

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 3/27/2020 12:10:15 AM
To: adm15.arwheeler.email [adm15.arwheeler.email@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Molina, Michael [molina.michael@epa.gov]; Scott, Corey [scott.corey@epa.gov]
CC: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: 3.26.20: Clips from today's press call
Attachments: 3.26.20 EPA Enforcement Clips.docx

Sir,

Please see clips from today's press call attached and below. The ABC News story has not posted yet but I can update when it does:

3.20.2020: EPA Enforcement Action Clips

Bloomberg: EPA Backs Off Enforcing Pollution Rules as Virus Strains Work

The Trump administration will temporarily relax civil enforcement of various environmental regulations, a move it says is necessary given worker shortages and travel restrictions related to the coronavirus pandemic. In a memo issued Thursday, the Environmental Protection Agency said it wouldn't go after companies that fail to satisfy many "routine monitoring and reporting obligations" because of the coronavirus, as long as they documented why they couldn't fulfill the mandates, worked to resolve the issues, and sought to minimize the effects.

Politico: EPA to issue fuel compliance guidance as early as Friday

EPA is considering letting oil refiners sell winter-blend gasoline later in the year to account for reduced demand in the midst of the coronavirus crisis, Administrator Andrew Wheeler said after issuing broad virus-related enforcement guidance today. "We are looking at the fuels issues on a separate basis and that would be a case-specific issue," Wheeler told reporters on a conference call. "We hope to have some sort of announcement on the fuels maybe as soon as tomorrow."

Reuters: Trump administration eases environmental enforcement during outbreak

The Trump administration has decided to ease enforcement of environmental regulations covering polluting industries to help them cope with impacts from the coronavirus outbreak, the U.S. Environmental Protection Agency said on Thursday. The decision follows requests by the oil lobby and other industry groups for regulatory relief as governments around the world scramble to contain fallout from the pandemic, which has infected nearly a half a million people, decimated travel, and forced massive disruptions in daily life.

Wall Street Journal: EPA Plans to Show Leniency With Some Civil-Rule Violators

The Environmental Protection Agency doesn't expect to seek penalties for some civil environmental-rule violations caused by the coronavirus pandemic, the agency said Thursday. That applies to "routine monitoring and reporting obligations," the agency said, calling the move a temporary policy. It won't apply to any violation or for forgoing any type of environmental monitoring that could cause acute risks or imminent threats, and any application must come with an explanation on how the pandemic made compliance impracticable, said EPA Administrator Andrew Wheeler.

Washington Examiner: 'Cognizant' of coronavirus constraints, EPA eases up on enforcement of pollution rules

The Environmental Protection Agency said Thursday that it generally won't seek penalties if companies miss deadlines for pollution monitoring, sampling, testing, or reporting during the coronavirus pandemic. The agency will also exercise discretion in taking civil enforcement actions against facilities where air pollution controls or wastewater or waste treatment systems fail, causing the facility to exceed federal limits on air emissions, water pollution, or hazardous waste, the EPA said in a guidance released Thursday.

Bloomberg

EPA Backs Off Enforcing Pollution Rules as Virus Strains Work

By Jennifer Dlouhy

March 26, 2020

<https://www.bloomberg.com/news/articles/2020-03-26/epa-backs-off-enforcing-pollution-rules-as-virus-strains-work?srd=politics-vp>

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"We expect facilities to comply with their obligations under the law," EPA Administrator Andrew Wheeler told reporters on a conference call. "But where the impacts of Covid-19 make that impracticable," the EPA will apply "enforcement discretion."

The move drew an immediate rebuke from environmental activists who said the decision gives companies carte blanche to pollute the air even as a lethal respiratory virus spreads worldwide.

"It is not clear why refineries, chemical plants, and other facilities that continue to operate and keep their employees on the production line will no longer have the staff or time they need to comply with environmental laws," wrote a coalition of activists led by Eric Schaeffer of the Environmental Integrity Project.

Need Flexibility

Nevertheless, oil companies, chemical manufacturers and refiners have argued they need flexibility while struggling to get contractors and suppliers to sites, especially in areas under shelter-in-place orders. Although oil refineries and some other facilities are exempt from lockdown requirements, those waivers are not consistently being applied to third-party suppliers and contractors.

Worker shortages and supply chain disruptions are complicating air monitoring at oil wells, the collection of samples from industrial facilities, and even routine paperwork, the American Petroleum Institute said in a letter to the EPA this week.

Wheeler said the EPA's move isn't a blank check and that the agency will still go after bad actors.

"The EPA is still on the beat and we will still enforce environmental laws, particularly any instances where there are criminal violations or if there is acute risk or imminent threats," Wheeler said.

Summer Grade Gasoline

"We want to make sure the American public is protected, but at the same time, we do not want to penalize good actors who are unable to act because of the circumstances surrounding this pandemic."

The agency hasn't said whether it will yield to requests from refiners to delay a requirement to shift to cleaner-burning, summer-grade gasoline. Refiners are worried about their ability to offload stockpiles of winter-grade gasoline before the June 1 deadline, as coronavirus-spurred travel restrictions keep many cars off the roads.

Wheeler said he hoped to have an announcement on fuels as soon as Friday, and that other matters are being handled on a case-by-case basis. For instance, the EPA is set to separately detail its plans for companies cleaning up contaminated Superfund sites.

Politico

EPA to issue fuel compliance guidance as early as Friday

By Alex Guillén

March 26, 2020

<https://subscriber.politicopro.com/energy/whiteboard/2020/03/epa-to-issue-fuel-compliance-guidance-as-early-as-friday-3978553>

EPA is considering letting oil refiners sell winter-blend gasoline later in the year to account for reduced demand in the midst of the coronavirus crisis, Administrator Andrew Wheeler said after issuing broad virus-related enforcement guidance today.

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The transportation industry is facing major deadlines in the coming months to switch from winter-grade gasoline to reformulated summer blends designed to reduce smog formation during the summer season.

Most refineries have already switched to making summer-grade gasoline, but the product can’t get to market because of a glut of winter-grade gasoline still sitting in tanks and terminals, according to the American Petroleum Institute.

Companies had expected to sell off that gasoline this spring, but cratering demand due to the pandemic has backed up the system and will prevent summer-grade fuel from physically getting to market until the winter-grade supplies are sold off, which could take extra weeks or months.

Eric Schaeffer, executive director of the Environmental Integrity Project and a former head of EPA's civil enforcement office, was critical of EPA’s broader enforcement action but said it is reasonable to extend the switchover deadline given the unusual circumstances.

But EPA should only extend that policy as far as is strictly necessary, he said in an interview. “As soon as there’s adequate supplies of summer fuels, the amnesty is over,” Schaeffer said. “You don’t get to keep selling it because you have more of it than the market needs.”

Reuters

Trump administration eases environmental enforcement during outbreak

By Valerie Volcovici and Lauren Sanicola

March 26, 2020

<https://www.reuters.com/article/us-health-coronavirus-usa-epa/trump-administration-eases-environmental-enforcement-during-outbreak-idUSKBN21D3DI>

The Trump administration has decided to ease enforcement of environmental regulations covering polluting industries to help them cope with impacts from the coronavirus outbreak, the U.S. Environmental Protection Agency said on Thursday.

The decision follows requests by the oil lobby and other industry groups for regulatory relief as governments around the world scramble to contain fallout from the pandemic, which has infected nearly a half a million people, decimated travel, and forced massive disruptions in daily life.

“EPA is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from COVID-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements,” EPA Administrator Andrew Wheeler said in a press release.

The EPA said in a memo outlining the changes that it does not plan to fine polluting industries for violating certain monitoring and reporting requirements during the outbreak. It added that the EPA will now “focus its resources largely on situations that may create an acute risk or imminent threat to public health or the environment.”

“In general, the EPA does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the EPA agrees that COVID-19 was the cause,” it said.

The EPA will also work with the Department of Justice to “exercise enforcement discretion” related to penalties previously assessed on polluting companies, according to the memo, signed by Susan Bodine, EPA’s Assistant Administrator for Enforcement and Compliance.

The memo said the changes were retroactive to March 13.

Last week, the American Petroleum Institute asked U.S. President Donald Trump for temporary relief from regulatory requirements on the oil and gas industry to ensure steady fuel supplies during the coronavirus outbreak, according to a letter it sent to Trump seen by Reuters.

The group said it was mainly concerned that coronavirus would leave it with limited numbers of healthy staff to run critical operations - making it harder to comply with federal environmental and safety requirements.

The oil industry also wants the EPA to provide it with waivers allowing sale of winter-grade gasoline deep into spring and summer to deal with a supply glut, as the coronavirus outbreak cuts deeply into demand for motorfuels.

The EPA requires different seasonal blends of gasoline as a way to limit tailpipe smog.

The EPA memo on Thursday did not address fuel waivers.

More than a dozen environmental groups on Thursday criticized the agency for putting the public at risk as it eased its enforcement of air and water protections.

“Excusing the potential release of excess toxic air pollutants and other pollution that exacerbates asthma, breathing difficulty, and cardiovascular problems in the midst of a pandemic that can cause respiratory failure is irresponsible from a public health perspective,” said a letter from groups including the Environmental Integrity Project and Wild Earth Guardians.

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By Tim Puko

March 26, 2020

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The Environmental Protection Agency doesn't expect to seek penalties for some civil environmental-rule violations caused by the coronavirus pandemic, the agency said Thursday.

That applies to "routine monitoring and reporting obligations," the agency said, calling the move a temporary policy. It won't apply to any violation or for forgoing any type of environmental monitoring that could cause acute risks or imminent threats, and any application must come with an explanation on how the pandemic made compliance impracticable, said EPA Administrator Andrew Wheeler.

Agency officials said operators of public water systems will still need to ensure safe drinking water, and that all industry must ensure they are still running safely.

"EPA is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from Covid-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements," Mr. Wheeler said in a written statement.

The move comes two days after The Wall Street Journal reported that the EPA planned to waive some compliance requirements and deadlines for a range of industries, including oil refiners, water utilities and sewage plants.

The agency is still devising potentially its biggest change, waiving or postponing deadlines to switch to cleaner-burning summer-grade gasoline. Mr. Wheeler, in a call with reporters, said the agency could make an announcement on fuels as soon as Friday, and that it is crafting separate plans for what to do about disruptions from the pandemic at site cleanups, including those in the Superfund program.

Worker shortages have become a significant problem for in-person environmental monitoring, as efforts to stop the pandemic's spread have people working from home, agency leaders said. They have heard most from drinking-water and wastewater agencies, said Susan Bodine, the EPA's assistant administrator for enforcement and compliance assurance.

Major issues in other industries are so far only hypothetical, although EPA officials said they have heard warnings that the problems could become real in several industries in coming weeks—particularly in energy.

The policy announced Thursday will apply retroactively to March 13, Mr. Wheeler said. EPA plans to review the policy frequently and intends to give at least seven days' notice before ending it, he added.

'Cognizant' of coronavirus constraints, EPA eases up on enforcement of pollution rules

By Abby Smith

March 26, 2020

<https://www.washingtonexaminer.com/policy/energy/cognizant-of-coronavirus-constraints-epa-to-ease-up-on-enforcement-of-pollution-rules>

The Environmental Protection Agency said Thursday that it generally won't seek penalties if companies miss deadlines for pollution monitoring, sampling, testing, or reporting during the coronavirus pandemic.

The agency will also exercise discretion in taking civil enforcement actions against facilities where air pollution controls or wastewater or waste treatment systems fail, causing the facility to exceed federal limits on air emissions, water pollution, or hazardous waste, the EPA said in a guidance released Thursday.

Facilities that exceed federal requirements should notify the agency "as quickly as possible," after which the EPA will evaluate whether the risk "is acute or may create an imminent threat to human health or the environment," the guidance said. The agency will work with the company to minimize the threat, and it will "consider the circumstances, including the COVID-19 pandemic, when determining whether an enforcement response is appropriate."

The EPA says it is exercising discretion because it is "cognizant of potential worker shortages" due to the pandemic, related restrictions, and disruptions that could affect the ability of companies to meet environmental program requirements and pollution limits.

The guidance is "in order to provide clarity to regulated businesses across the country as they in turn adjust and have to fulfill their obligations under the current status of the coronavirus," agency Administrator Andrew Wheeler told reporters Thursday. It's also "to ensure the American public that the EPA is still on the beat, and we will still enforce environmental laws, particularly any instances for criminal violations," he added.

The relatively broad enforcement guidance, signed Thursday by EPA enforcement chief Susan Bodine, comes in response to several requests from industry leaders that the agency waive or adjust upcoming regulatory deadlines as companies struggle to deal with the effects of the coronavirus outbreak.

To qualify for enforcement discretion, though, a facility must document that the pandemic caused the noncompliance, including providing the EPA with evidence it "did everything possible" to comply, it is addressing the effects of noncompliance, and it is working to return to compliance as soon as possible, Bodine told reporters.

"The burden is on the facility," she said.

Former Obama EPA Administrator Gina McCarthy slammed the EPA's temporary policy as an "open license to pollute." McCarthy, now head of the Natural Resources Defense Council, accused the EPA of "taking advantage of an unprecedented public health crisis to do favors for polluters that threaten public health."

Industry groups, including the American Petroleum Institute, have expressed concerns that companies wouldn't be able to send workers on-site at facilities to complete routine monitoring and reporting for environmental regulations, such as methane leak detection and repair and greenhouse gas reporting.

The oil lobby, in particular, also suggested it could struggle with seasonal fuel requirements that mandate a switch to cleaner-burning summer-grade gasoline.

Wheeler said the EPA intends to address any potential delays to fuels requirements, including the switch to summer-grade gasoline and upcoming deadlines under the Renewable Fuels Standard, separately. He told reporters he expects an announcement on fuels as soon as Friday.

The EPA's enforcement Thursday memo doesn't call out specific deadlines for the delay but instead applies to most circumstances where "compliance is not reasonably practicable." It suggests it won't penalize companies that miss environmental program requirements so long as the EPA agrees the coronavirus pandemic caused the noncompliance. Companies would be required to provide documentation detailing the pandemic's impact and return to compliance as soon as they can.

Bodine said the facilities in the wastewater and drinking water sectors have been most vocal raising concerns about worker shortages and other coronavirus-related restrictions keeping them from meeting environmental requirements.

And in one instance, Bodine said, the EPA has taken a "no action assurance," under which the agency agreed not to pursue enforcement against 11 pharmaceutical companies in Puerto Rico.

"In Puerto Rico, the electrical grid is still suffering from the hurricanes," Bodine said, adding it is "very important to keep those facilities operating" and allow them to use emergency generators.

The enforcement discretion doesn't apply, however, to criminal environmental violations, the guidance said, adding the EPA's criminal enforcement team remains "vigilant." It also doesn't apply to Superfund or hazardous waste disposal under the Resource Conservation and Recovery Act, which the EPA says it will address separately.

The EPA guidance also notes it has "heightened expectations" for public water systems, expecting them to "continue normal operations and maintenance as well as required sampling to ensure the safety of our drinking water supplies."

The EPA says the policy applies retroactively, beginning March 13, and that it will give a seven-day notice before ending it.

Andrea Woods
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

3.20.2020: EPA Enforcement Action Clips

[[HYPERLINK \l "_Bloomberg"](#)]The Trump administration will temporarily relax civil enforcement of various environmental regulations, a move it says is necessary given worker shortages and travel restrictions related to the coronavirus pandemic. In [[HYPERLINK "https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf" \t "_blank" \o "memo"](#)]issued Thursday, the [[HYPERLINK "https://www.bloomberg.com/quote/0111701D:GN" \o "Company Overview"](#)] said it wouldn't go after companies that fail to satisfy many "routine monitoring and reporting obligations" because of the coronavirus, as long as they documented why they couldn't fulfill the mandates, worked to resolve the issues, and sought to minimize the effects.

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Bloomberg

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By Jennifer Dlouhy

March 26, 2020

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Nevertheless, oil companies, chemical manufacturers and refiners have argued they need flexibility while struggling to get contractors and suppliers to sites, especially in areas under shelter-in-place orders. Although oil refineries and some other facilities are exempt from lockdown requirements, those waivers are not consistently being applied to third-party suppliers and contractors.

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Wall Street Journal

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The move comes two days after The Wall Street Journal [[HYPERLINK "https://www.wsj.com/articles/epa-plans-to-waive-some-compliance-requirements-amid-coronavirus-crisis-11585072822?mod=article_inline"](https://www.wsj.com/articles/epa-plans-to-waive-some-compliance-requirements-amid-coronavirus-crisis-11585072822?mod=article_inline)] some compliance requirements and deadlines for a range of industries, including oil refiners, water utilities and sewage plants.

The agency is still devising potentially its biggest change, waiving or postponing deadlines to switch to cleaner-burning summer-grade gasoline. Mr. Wheeler, in a call with reporters, said the agency could make an announcement on fuels as soon as Friday, and that it is crafting separate plans for what to do about disruptions from the pandemic at site cleanups, including those in the Superfund program.

Worker shortages have become a significant problem for in-person environmental monitoring, as efforts to stop the pandemic's spread have people working from home, agency leaders said. They have heard most from drinking-water and wastewater agencies, said Susan Bodine, the EPA's assistant administrator for enforcement and compliance assurance.

Major issues in other industries are so far only hypothetical, although EPA officials said they have heard warnings that the problems could become real in several industries in coming weeks—particularly in energy.

The policy announced Thursday will apply retroactively to March 13, Mr. Wheeler said. EPA plans to review the policy frequently and intends to give at least seven days' notice before ending it, he added.

Washington Examiner

'Cognizant' of coronavirus constraints, EPA eases up on enforcement of pollution rules

By Abby Smith

March 26, 2020

[[HYPERLINK "https://www.washingtonexaminer.com/policy/energy/cognizant-of-coronavirus-constraints-epa-to-ease-up-on-enforcement-of-pollution-rules"](https://www.washingtonexaminer.com/policy/energy/cognizant-of-coronavirus-constraints-epa-to-ease-up-on-enforcement-of-pollution-rules)]

The Environmental Protection Agency said Thursday that it generally won't seek penalties if companies miss deadlines for pollution monitoring, sampling, testing, or reporting during the coronavirus pandemic.

The agency will also exercise discretion in taking civil enforcement actions against facilities where air pollution controls or wastewater or waste treatment systems fail, causing the facility to exceed federal limits on air emissions, water pollution, or hazardous waste, the EPA said in a guidance released Thursday.

Facilities that exceed federal requirements should notify the agency "as quickly as possible," after which the EPA will evaluate whether the risk "is acute or may create an imminent threat to human health or the environment," the guidance said. The agency will work with the company to minimize the threat, and it will "consider the circumstances, including the COVID-19 pandemic, when determining whether an enforcement response is appropriate."

The EPA says it is exercising discretion because it is "cognizant of potential worker shortages" due to the pandemic, related restrictions, and disruptions that could affect the ability of companies to meet environmental program requirements and pollution limits.

The guidance is "in order to provide clarity to regulated businesses across the country as they in turn adjust and have to fulfill their obligations under the current status of the coronavirus," agency Administrator Andrew Wheeler told reporters Thursday. It's also "to ensure the American public that the EPA is still on the beat, and we will still enforce environmental laws, particularly any instances for criminal violations," he added.

The relatively broad [[HYPERLINK "https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf"](https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf)], signed Thursday by EPA enforcement chief Susan Bodine, comes in response to several requests from industry leaders that the agency waive or adjust upcoming regulatory deadlines as companies struggle to deal with the effects of the coronavirus outbreak.

To qualify for enforcement discretion, though, a facility must document that the pandemic caused the noncompliance, including providing the EPA with evidence it "did everything possible" to comply, it is addressing the effects of noncompliance, and it is working to return to compliance as soon as possible, Bodine told reporters.

“The burden is on the facility,” she said.

Former Obama EPA Administrator Gina McCarthy slammed the EPA’s temporary policy as an “open license to pollute.” McCarthy, now head of the Natural Resources Defense Council, accused the EPA of “taking advantage of an unprecedented public health crisis to do favors for polluters that threaten public health.”

Industry groups, including the American Petroleum Institute, have [[HYPERLINK "https://www.washingtonexaminer.com/policy/energy/epa-to-waive-environmental-requirements-for-industry-challenged-by-pandemic"](https://www.washingtonexaminer.com/policy/energy/epa-to-waive-environmental-requirements-for-industry-challenged-by-pandemic)] that companies wouldn’t be able to send workers on-site at facilities to complete routine monitoring and reporting for environmental regulations, such as methane leak detection and repair and greenhouse gas reporting. The oil lobby, in particular, also suggested it could struggle with seasonal fuel requirements that mandate a switch to cleaner-burning summer-grade gasoline.

Wheeler said the EPA intends to address any potential delays to fuels requirements, including the switch to summer-grade gasoline and upcoming deadlines under the Renewable Fuels Standard, separately. He told reporters he expects an announcement on fuels as soon as Friday.

The EPA’s enforcement Thursday memo doesn’t call out specific deadlines for the delay but instead applies to most circumstances where “compliance is not reasonably practicable.” It suggests it won’t penalize companies that miss environmental program requirements so long as the EPA agrees the coronavirus pandemic caused the noncompliance. Companies would be required to provide documentation detailing the pandemic’s impact and return to compliance as soon as they can.

Bodine said the facilities in the wastewater and drinking water sectors have been most vocal raising concerns about worker shortages and other coronavirus-related restrictions keeping them from meeting environmental requirements.

And in one instance, Bodine said, the EPA has taken a “no action assurance,” under which the agency agreed not to pursue enforcement against 11 pharmaceutical companies in Puerto Rico.

“In Puerto Rico, the electrical grid is still suffering from the hurricanes,” Bodine said, adding it is “very important to keep those facilities operating” and allow them to use emergency generators.

The enforcement discretion doesn’t apply, however, to criminal environmental violations, the guidance said, adding the EPA’s criminal enforcement team remains “vigilant.” It also doesn’t apply to Superfund or hazardous waste disposal under the Resource Conservation and Recovery Act, which the EPA says it will address separately.

The EPA guidance also notes it has “heightened expectations” for public water systems, expecting them to “continue normal operations and maintenance as well as required sampling to ensure the safety of our drinking water supplies.”

The EPA says the policy applies retroactively, beginning March 13, and that it will give a seven-day notice before ending it.

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 3/31/2020 1:27:40 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Kolb, John (JohnMark) [kolb.john@epa.gov]
CC: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Voyles, Travis [Voyles.Travis@epa.gov]; Irving, John [Irving.John@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Irving, John [Irving.John@epa.gov]
Subject: RE: Hill Enforcement Policy Letters

Agree.

Just use our press release from yesterday:

EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

WASHINGTON (March 30, 2020) – The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. On March 26, EPA released a [temporary policy](#) regarding the agency's enforcement of environmental legal obligations during the COVID-19 pandemic. This temporary policy is not a license to pollute.

We strongly encourage the press to actually read EPA's Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as [E&E News](#), [The Hill](#), the [AP](#), and the [New York Times](#) are relying on sources who falsely claim that the policy provides a blanket waiver of environmental requirements or creates a presumption that the pandemic is the cause of noncompliance.

Here are some of the facts that have been conveniently left out of the press narrative:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state

and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>

Sent: Tuesday, March 31, 2020 9:25 AM

To: Kolb, John (JohnMark) <kolb.john@epa.gov>

Cc: Bodine, Susan <bodine.susan@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>

Subject: Re: Hill Enforcement Policy Letters

Ex. 5 Deliberative Process (DP)

Joseph A. Brazauskas Jr.
Associate Administrator
Congressional and Intergovernmental Relations
U.S. EPA

On Mar 31, 2020, at 9:19 AM, Kolb, John (JohnMark) <kolb.john@epa.gov> wrote:

Susan,

Two enforcement related letters just came in, one at 9pm last night and the other at 9am this morning. The first one is from Rep. Katie Porter with 87 signers, the other is from the House Sustainable Energy and Environment Coalition (8 signers). Both ask for a response by tomorrow, April 1.

Sincerely,

JohnMark Kolb
Congressional Affairs
U.S. Environmental Protection Agency
C: (202) 713-0825

<Letter In Response to the Non-Enforcement Policy .pdf>
<SEEC Leadership Letter re EPA Enforcement 3.31.pdf>

Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 3/31/2020 10:14:55 PM
To: Brazauskas, Joseph [brazauskas.joseph@epa.gov]; Benevento, Douglas [benevento.douglas@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Irving, John [Irving.John@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Molina, Michael [molina.michael@epa.gov]
CC: Voyles, Travis [Voyles.Travis@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Irving, John [Irving.John@epa.gov]; Willey, Katharine [willey.katharine@epa.gov]; Kolb, John (JohnMark) [kolb.john@epa.gov]
Subject: RE: Hill Enforcement Policy Letters
Attachments: 2020-03-31 EPA Temporary Enforcement Compliance Guidance Letter_draft (002) spb clean v2.docx; 2020-03-31 EPA Temporary Enforcement Compliance Guidance Letter_draft (002) spb v2.docx

Adding Vicki's numbers.

Susan

From: Bodine, Susan
Sent: Tuesday, March 31, 2020 5:44 PM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: RE: Hill Enforcement Policy Letters

Ex. 5 Deliberative Process (DP)

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Tuesday, March 31, 2020 3:18 PM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Molina, Michael <molina.michael@epa.gov>
Cc: Voyles, Travis <Voyles.Travis@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>; Willey, Katharine <willey.katharine@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Subject: RE: Hill Enforcement Policy Letters

Ex. 5 Deliberative Process (DP)

Thanks,
Joe

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations

U.S. Environmental Protection Agency
(202) 564-5189

From: Brazauskas, Joseph
Sent: Tuesday, March 31, 2020 9:34 AM
To: Benevento, Douglas <benevento.douglas@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: Hill Enforcement Policy Letters

Agree Doug. OCIR can work up a quick first draft using the materials that we have currently and then send on to OECA for refinement.

Joseph A. Brazauskas Jr.
Associate Administrator
Office of Congressional & Intergovernmental Relations
U.S. Environmental Protection Agency
(202) 564-5189

From: Benevento, Douglas <benevento.douglas@epa.gov>
Sent: Tuesday, March 31, 2020 9:33 AM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: Hill Enforcement Policy Letters

Ex. 5 Deliberative Process (DP)

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Tuesday, March 31, 2020 9:27 AM
To: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: RE: Hill Enforcement Policy Letters

Ex. 5 Deliberative Process (DP)

From: Brazauskas, Joseph <brazauskas.joseph@epa.gov>
Sent: Tuesday, March 31, 2020 9:25 AM
To: Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Voyles, Travis <Voyles.Travis@epa.gov>; Irving, John <Irving.John@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Irving, John <Irving.John@epa.gov>
Subject: Re: Hill Enforcement Policy Letters

Ex. 5 Deliberative Process (DP)

Joseph A. Brazauskas Jr.
Associate Administrator
Congressional and Intergovernmental Relations
U.S. EPA

On Mar 31, 2020, at 9:19 AM, Kolb, John (JohnMark) <kolb.john@epa.gov> wrote:

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Sincerely,

JohnMark Kolb
Congressional Affairs
U.S. Environmental Protection Agency
C: (202) 713-0825

<Letter In Response to the Non-Enforcement Policy .pdf>
<SEEC Leadership Letter re EPA Enforcement 3.31.pdf>

Congress of the United States
Washington, DC 20515

March 30, 2020

Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Susan Parker Bodine
Assistant Administrator for Enforcement
and Compliance Assurance
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Administrator Wheeler and Assistant Administrator Bodine,

We write to you today to express serious concern regarding the Environmental Protection Agency's (EPA) March 26, 2020 memorandum announcing that the agency will cease all enforcement actions during the coronavirus pandemic.¹ All Americans count on these environmental protections to enjoy public spaces and ensure that their water, food, and air are clean. This reckless action puts all Americans' health at risk and creates a dangerous precedent for future health crises and other national emergencies. The EPA must take its responsibility to protect the health and welfare of our communities seriously by continuing necessary enforcement to prevent violations of our critical environmental laws.

Government agencies should take the necessary precautions to protect their workers during the pandemic, as should those organizations who work with agencies to support their compliance efforts. We understand that employing safe work practices such as practicing social distancing and wearing personal protective equipment when appropriate is critical to protect workers' health;² yet this memorandum absolves polluters of all responsibility during a crisis in which access to clean air and water are absolutely essential. Your memorandum demonstrates a failure to uphold EPA's mission to "protect human health and the environment" by completely abdicating your responsibilities to the American people. Our health is linked to the integrity of our environment, so the EPA cannot take actions that will undermine existing efforts to protect public health during this pandemic. Relinquishing responsibility to hold companies accountable for their harm to our shared air and water in difficult times sends a message that their social license to operate does not rely upon their commitment to good behavior, but whether they can convince government officials that the burden of ensuring the safety of American lives is subjectively "too hard."

Research shows that infectious diseases are highly linked to climate and environmental conditions.³ A recent scientific study shows that there is already evidence of correlation between air temperature and quality and SARS-CoV-2 mortality,⁴ and it is likely that the spread of zoonotic viruses will only increase as climate change worsens.^{5,6} We write to express grave concern that relaxing oversight of polluting industries could further increase the harm posed by unchecked climate change and degrade the safety of the air and water in our communities. This enforcement failure could in turn increase the risk of human

¹ <https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>

² <https://www.osha.gov/SLTC/covid-19/>

³ <https://www.who.int/globalchange/climate/summary/en/index5.html>

⁴ <https://www.medrxiv.org/content/10.1101/2020.03.15.20036426v1.full.pdf>

⁵ <https://earth.stanford.edu/news/nipah-little-known-virus-could-become-next-global-pandemic#gs.lceznv>

⁶ <https://www.healio.com/infectious-disease/emerging-diseases/news/online/%7B9fb0b2fb-218a-41bf-85b2-58a74d5b95e6%7D/left-unchecked-global-warming-may-shape-future-epidemics>

harm, create new environmental crises, and most critically exacerbate the risk for future infectious diseases.

We ask you to:

1. Remove this temporary policy immediately;
2. Describe how the EPA is taking increased precautions and applying public health recommendations from the Center for Disease Control, to assist employees of the EPA and the companies it oversees; and
3. Issue a new memorandum describing how the EPA characterizes “reasonable measures” for facilities to resume compliance.

Thank you for your attention to this important issue. We look forward to your response by April 1, 2020.

Best,

KATIE PORTER
Member of Congress

BILL FOSTER
Member of Congress

NYDIA M. VELÁZQUEZ
Member of Congress

GRACE F. NAPOLITANO
Member of Congress

DONNA E. SHALALA
Member of Congress

MIKE DOYLE
Member of Congress

JIM COOPER
Member of Congress

JAMIE RASKIN
Member of Congress

ALAN LOWENTHAL
Member of Congress

DWIGHT EVANS
Member of Congress

MARK TAKANO
Member of Congress

BOBBY L. RUSH
Member of Congress

GWEN MOORE
Member of Congress

DONALD M. PAYNE, JR.
Member of Congress

JARED HUFFMAN
Member of Congress

AYANNA PRESSLEY
Member of Congress

NANETTE DIAZ BARRAGAN
Member of Congress

ALEXANDRIA OCASIO-CORTEZ
Member of Congress

DAVID TRONE
Member of Congress

JERRY MCNERNEY
Member of Congress

JACKIE SPEIER
Member of Congress

PETER VISCLOSKY
Member of Congress

RO KHANNA
Member of Congress

BRIAN HIGGINS
Member of Congress

HENRY "HANK" JOHNSON
Member of Congress

JUAN VARGAS
Member of Congress

ELEANOR HOLMES NORTON
Member of Congress

MARCIA L. FUDGE
Member of Congress

RON KIND
Member of Congress

LISA BLUNT ROCHESTER
Member of Congress

MATTHEW CARTWRIGHT
Member of Congress

JOE NEGUSE
Member of Congress

DAN KILDEE
Member of Congress

TED DEUTCH
Member of Congress

ED CASE
Member of Congress

GERALD E. CONNOLLY
Member of Congress

JUDY CHU
Member of Congress

TOM MALINOWSKI
Member of Congress

VERONICA ESCOBAR
Member of Congress

SEAN CASTEN
Member of Congress

ADRIANO ESPAILLAT
Member of Congress

TED W. LIEU
Member of Congress

JAMES P. MCGOVERN
Member of Congress

JAN SCHAKOWSKY
Member of Congress

JOSÉ E. SERRANO
Member of Congress

SUSAN A. DAVIS
Member of Congress

PETER WELCH
Member of Congress

STEVE COHEN
Member of Congress

ILHAN OMAR
Member of Congress

BRENDA LAWRENCE
Member of Congress

ANN McLANE KUSTER
Member of Congress

BRADLEY S. SCHNEIDER
Member of Congress

SUZANNE BONAMICI
Member of Congress

JAHANA HAYES
Member of Congress

JULIA BROWNLEY
Member of Congress

BETTY McCOLLUM
Member of Congress

DEB HAALAND
Member of Congress

MIKE LEVIN
Member of Congress

MIKE QUIGLEY
Member of Congress

DEBBIE WASSERMAN SCHULTZ
Member of Congress

PETER DeFAZIO
Member of Congress

MARK POCAN
Member of Congress

LORI TRAHAN
Member of Congress

JOHN P. SARBANES
Member of Congress

JOSEPH P. KENNEDY III
Member of Congress

YVETTE D. CLARKE
Member of Congress

SETH MOULTON
Member of Congress

BONNIE WATSON COLEMAN
Member of Congress

GILBERT R. CISNEROS, JR.
Member of Congress

KATHLEEN M. RICE
Member of Congress

RICHARD E. NEAL
Member of Congress

ELIOT L. ENGEL
Member of Congress

ANDY LEVIN
Member of Congress

A. DONALD MCEACHIN
Member of Congress

JOHN YARMUTH
Member of Congress

KAREN BASS
Member of Congress

ZOE LOFGREN
Member of Congress

JERROLD NADLER
Member of Congress

CHRISSY HOULAHAN
Member of Congress

TJ COX
Member of Congress

DARREN SOTO
Member of Congress

RASHIDA TLAIB
Member of Congress

CHARLIE CRIST
Member of Congress

SCOTT PETERS
Member of Congress

CHRIS PAPPAS
Member of Congress

DEBBIE DINGELL
Member of Congress

BENNIE THOMPSON
Member of Congress

BARBARA LEE
Member of Congress

ADAM B. SCHIFF
Member of Congress

From: Jones, Enesta [Jones.Enesta@epa.gov]
Sent: 3/30/2020 5:05:48 PM
To: Press [Press@epa.gov]; HQ Communications Directors [HQCommunicationsDirectors@epa.gov]; Regional Public Affairs Directors [Regional_Public_Affairs_Directors@epa.gov]; AO OPA Immediate Office [AO_OPA_Immediate_Office@epa.gov]; AO OPA Web Communications [AO_OPA_Web_Communications@epa.gov]; AO OPA Internal Communications [AO_OPA_Internal_Communications@epa.gov]; AO OPA Multimedia [AO_OPA_Multimedia@epa.gov]; AO-OCIR Everyone [AOCIR_Everyone@epa.gov]
Subject: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

In the newsroom: <https://www.epa.gov/newsreleases/epa-corrects-record-after-reckless-reporting-temporary-compliance-guidance>

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We strongly encourage the press to actually read EPA's Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as [E&E News](#), [The Hill](#), the [AP](#), and the [New York Times](#) are relying on sources who falsely claim that the policy provides a blanket waiver of environmental requirements or creates a presumption that the pandemic is the cause of noncompliance.

Here are some of the facts that have been conveniently left out of the press narrative:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

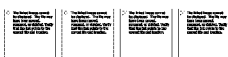
EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

.....

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Rebecca Beitsch [rebecca@thehill.com]
Sent: 3/31/2020 7:46:01 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Press [Press@epa.gov]
Subject: Re: letter to EPA

Thanks!

Rebecca Beitsch
Energy and Environment Reporter
The Hill
rebecca@thehill.com | [@rebeccabeitsch](https://twitter.com/rebeccabeitsch)

On Tue, Mar 31, 2020 at 3:41 PM Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Hello Rebecca,

“The SEEC claims are false and it is apparent they didn’t even read our guidance. EPA’s enforcement authority and responsibility remains active. **It is not a nationwide waiver of environmental rules.** We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public.”

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

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From: Rebecca Beitsch <rebecca@thehill.com>

Sent: Tuesday, March 31, 2020 3:33 PM

To: Press <Press@epa.gov>

Subject: Fwd: letter to EPA

Hey team,

Writing about this letter and wanted to see if you'd like to comment.

Thanks!

Rebecca Beitsch

Energy and Environment Reporter

The Hill

rebecca@thehill.com | [@rebeccabeitsch](https://twitter.com/rebeccabeitsch)

----- Forwarded message -----

From: **Dejean, Rachel** <Rachel.Dejean@mail.house.gov>

Date: Tue, Mar 31, 2020 at 3:05 PM

Subject: RE: letter to EPA

To: Rebecca Beitsch <rebecca@thehill.com>

Hi Rebecca,

Sorry about that, below is the release.



For Immediate Release: March 31, 2020

Contact: Maria Laverdiere, 202-465-6885

Members of SEEC Leadership condemn EPA suspension of environmental enforcement during COVID-19 crisis

Washington D.C. – Today the **leaders of the House Sustainable Energy and Environment Coalition (SEEC)** sent Environmental Protection Agency (EPA) Administrator Andrew Wheeler a letter condemning the

Agency's March 26 memorandum announcing that the EPA will cease all enforcement actions during the coronavirus pandemic.

The letter sent today reads in part:

"The health impacts of these [industry] pollutants are well-established, and exposure is particularly dangerous for those with respiratory conditions. We are currently facing a severe respiratory pandemic, taking lives and hospitalizing thousands—at this moment, communities need more protections from toxic pollution, not less. Waiving environment enforcement will only add to the severity of the COVID-19 crisis... While our doctors and nurses work urgently to keep people healthy and manage hospital overflows, you are granting polluting industries a free pass to contaminate our air and water, likely adding patients to healthcare providers' already overwhelming caseloads."

The letter was led by **SEEC Vice-Chair Rep. Mike Quigley** along **Co-Chairs Reps. Gerry Connolly, Paul Tonko, and Doris Matsui** and fellow **SEEC Vice-Chairs Reps. A. Donald McEachin, Chellie Pingree, Rep. Alan Lowenthal, and Matt Cartwright**. The full text of the letter can be found below, and a signed copy can be found [here](#).

The Honorable Andrew Wheeler

Administrator

Environmental Protection Agency

1200 Pennsylvania Ave, N.W.

Washington, DC 20460

Dear Administrator Wheeler:

We write to express our opposition to the enforcement decision outlined in the Environmental Protection Agency's (EPA) March 26 memorandum announcing that the agency will cease all enforcement actions during the coronavirus pandemic. This suspension of enforcement during the ongoing COVID-19 health crisis is irresponsible and neglects the Agency's core mission to protect public health. Environmental protections are more important than ever as we face the spread of a severe respiratory illness that is making tens of thousands of Americans sick and straining the capacity of our hospitals and healthcare workforce.

Reports indicate that the EPA is broadly relaxing enforcement of environmental protections after receiving requests to do so from industry, in particular the oil and gas industry. The criteria pollutants commonly

released by industrial activities, especially the fossil fuel industry, include carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), ozone (O₃), particulate matter (PM), and lead (Pb). Exposure to these pollutants can have serious health consequences, such as trouble breathing, aggravated asthma, lung cancer, heart attack, chronic obstructive pulmonary disease (COPD), and premature death. The health impacts of these pollutants are well-established, and exposure is particularly dangerous for those with respiratory conditions. We are currently facing a severe respiratory pandemic, taking lives and hospitalizing thousands—at this moment, communities need more protections from toxic pollution, not less. Waiving environmental enforcement will only add to the severity of the COVID-19 crisis.

Equally alarming are the environmental justice implications of your decision. Members of frontline communities—including low-income communities, communities of color, and Tribal and indigenous communities—are already more exposed to pollution that can cause health problems, such as cancer and asthma, and often lack access to healthcare. Exacerbating these environmental threats only increases their vulnerability to this pandemic. Suspending enforcement will significantly increase the risk of death and hospitalization as these communities continue to fight the COVID-19 pandemic. Furthermore, we are very concerned about protections to water quality during this time, as oil and gas production, refining and other industrial activities can create significant amounts of toxic wastewater that must go through several stages of treatment before release. If not properly treated, then the water's rerelease can put critical water supplies, especially drinking water, at risk.

Your broad suspension of enforcement is unprecedented and dangerous, especially given the pandemic we face. While our doctors and nurses work urgently to keep people healthy and manage hospital overflows, you are granting polluting industries a free pass to contaminate our air and water, likely adding patients to healthcare providers' already overwhelming caseloads. Industry operations that mitigate pollution are more important now than ever, and these companies need to treat pollution mitigation like the essential function that it is. We urge you to reverse your decision and take a more measured and appropriate approach to working with industries that maintains the EPA's mission to protect public health.

Thank you for your attention to this important matter.

###

Best,

Rachel Dejean

Digital Press Assistant

Office of Congressman Paul D. Tonko (NY-20)

19 Dove Street, Suite 302

Albany, New York 12210

T: 518-465-0700

F: 518-427-5107

Rachel.Dejean@mail.house.gov



From: Rebecca Beitsch <rebecca@thehill.com>

Sent: Tuesday, March 31, 2020 2:51 PM

To: Dejean, Rachel <Rachel.Dejean@mail.house.gov>

Subject: letter to EPA

Hey Rachel,

Not sure I got an announcement on this.

https://news.bloombergenvironment.com/environment-and-energy/house-democrats-ask-epa-to-turn-back-relaxed-enforcement-policy?context=search&index=0&utm_source=twitter&utm_medium=ehsdesk&utm_campaign=163AB6FA-7380-11EA-8D78-43DF4F017A06

Could you help get me a copy?

Thanks!

Rebecca Beitsch

Energy and Environment Reporter

The Hill

rebecca@thehill.com | [@rebeccabeitsch](#)

Message

From: Knickmeyer, Ellen [EKnickmeyer@ap.org]
Sent: 3/30/2020 4:47:16 PM
To: Press [Press@epa.gov]
CC: Feldman, Carole [CFeldman@ap.org]
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Hi, all. My story specifically said those things that you said it did not say.
Best,
Ellen

From: EPA Press Office <press@epa.gov>
Sent: Monday, March 30, 2020 12:45 PM
To: Knickmeyer, Ellen <EKnickmeyer@ap.org>
Subject: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

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EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

WASHINGTON (March 30, 2020) – The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. On March 26, EPA released a [temporary policy](#) regarding the agency's enforcement of environmental legal obligations during the COVID-19 pandemic. This temporary policy is not a license to pollute.

We strongly encourage the press to actually read EPA's Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as [E&E News](#), [The Hill](#), the [AP](#), and the [New York Times](#) are relying on sources who falsely claim that the policy provides a blanket waiver of environmental requirements or creates a presumption that the pandemic is the cause of noncompliance.

Here are some of the facts that have been conveniently left out of the press narrative:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its

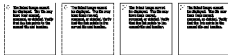
resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with and drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

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Message

From: Labbe, Ken [Labbe.Ken@epa.gov]
Sent: 3/31/2020 4:51:57 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Press [Press@epa.gov]
Subject: RE: EPA Policy Relieves Public Health Protections for Industries — Arizona PBS

Will do

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, March 31, 2020 12:50 PM
To: Labbe, Ken <Labbe.Ken@epa.gov>
Cc: Press <Press@epa.gov>
Subject: FW: EPA Policy Relieves Public Health Protections for Industries — Arizona PBS

Take to OECA to see if they want to say anything other than this:

Please see our press release:

<https://www.epa.gov/newsreleases/epa-announces-enforcement-discretion-policy-covid-19-pandemic-0>

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Jessica Myers **Ex. 6 Personal Privacy (PP)**

Sent: Tuesday, March 31, 2020 12:47 PM

To: Press <Press@epa.gov>

Subject: EPA Policy Relieves Public Health Protections for Industries — Arizona PBS

Hi there,

Reaching out for some clarification on Thursday's announcement of "Enforcement Discretion Policy for COVID-19 Pandemic." I am wondering when this policy will take affect. Also, if the EPA itself has any concerns that industries might take advantage of this? And if industries do, will there be any penalties?

Also, what is the EPA's response to many environmental groups' concerns that polluting agencies will take advantage of this new change during the pandemic?

Warm regards,

Jessica Myers

Digital Reporter | [Cronkite News - Arizona PBS](#)

Junior, Journalism and Mass Communication

Twitter | [@Jessvmyers](#)

jmyer10@asu.edu

480-492-0337

From: Sharon Lerner [sharon.lerner@theintercept.com]
Sent: 3/31/2020 3:13:39 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]
CC: Press [Press@epa.gov]
Subject: Re: Strengthening transparency
Attachments: signature.asc

Got it. Thanks

Sharon Lerner

Investigative Reporter

The Intercept

mobile/signal 718-877-5236

@fastlerner

<https://theintercept.com/staff/sharon-lerner/>

Subscribe @ <http://sharonlerner.com/>

PGP:

CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

On Mar 31, 2020, at 11:13 AM, Woods, Andrea <Woods.Andrea@epa.gov> wrote:

Hi Sharon,

Please see our full statement below, attributable to an EPA Spokesperson:

On Science transparency:

The Senator, whether it be by letter or press statement continues to make patently false and misleading claims about the proposed Strengthening Transparency in Regulatory Science rule. Transparency in science that enables independent validation of scientific conclusions is important to advancing the Agency's mission. In no way does the proposed rule or the supplemental notice suppress research or censor scientists. On the contrary, it acknowledges that all science is welcome at the Agency and provides a clear awareness to researchers and the general public that, if the proposed Science Transparency rule is finalized, the Agency will utilize procedures with the goal of making the science on which future significant regulatory decisions are based more transparent while still ensuring the protection of CBI and PII. The supplemental notice asks for public comment on all of these important considerations. The Senator's statements that the proposed rule, if finalized, would impede the Agency's ability to respond to emergencies using data and scientific information are entirely unfounded.

Furthermore, our most important environmental statutes provide EPA with authority to issue emergency orders or respond to address emergencies to protect human health and the environment, and this proposed rule would not limit or impede EPA's authority to undertake such responses. For example, on March 13 the Agency issued an expanded list of EPA-registered disinfectant products that have qualified for use against SARS-CoV-2, the virus that causes COVID-19. This new list contains nearly 200 additional products-including 40 new products that went through the agency's expedited review process.

On enforcement:

EPA's enforcement authority and responsibility remains active. We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public.

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

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From: Sharon Lerner <sharon.lerner@theintercept.com>

Sent: Tuesday, March 31, 2020 10:57 AM

To: Press <Press@epa.gov>

Subject: Strengthening transparency

Hi Press office -

I am writing about both the strengthening transparency rule and the recent decision announced by Susan Bodine last week to restrict enforcement.

One person I interviewed said, of both, that: "They're taking political advantage of a crisis when they know it's more difficult to respond" He was referring to EPA

Re the transparency rule, I note that, despite requests to extend the 30-day comment period for the latest version of the rule, you have declined to do so. I also note that the Union of Concerned Scientists requested that you conduct a virtual hearing on the rule but that you have declined to do that, either.

I also note that several people, including Sen. Carper, have noted that the new rule would restrict the use of "studies that could be usefully relied upon during a pandemic or other crisis"

Re the enforcement, I note that several people have pointed out that the decision to suspend many of the normal requirements for pollution control may put fence line communities at particular risk from Covid-19

Please let me know if you have any comment on any of the above by noon today. Thank you

Sharon Lerner
Investigative Reporter
The Intercept
mobile/signal 718-877-5236
@fastlerner
<https://theintercept.com/staff/sharon-lerner/>
Subscribe @ <http://sharonlerner.com/>

PGP:
CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 3/30/2020 8:59:41 PM
To: Swaim, Chance [cswaim@wichitaeagle.com]; Washburn, Ben [washburn.ben@epa.gov]; Press [Press@epa.gov]
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Hi Chance,

Please see the highlighted sentence in the release below.

Best,
Andrea

From: Swaim, Chance <cswaim@wichitaeagle.com>
Sent: Monday, March 30, 2020 4:43 PM
To: Washburn, Ben <washburn.ben@epa.gov>; Press <Press@epa.gov>
Subject: Re: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Hello,

I guess I missed the part where you pointed out what specifically the AP, The Hill, or the New York Times got wrong about the temporary policy or what you're calling propaganda. Do you mind filling me in?

On Mon, Mar 30, 2020 at 3:25 PM 'Ben Washburn' via WIC News CI <wenews@wichitaeagle.com> wrote:



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM



CONTACT: press@epa.gov

EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Contact Information: press@epa.gov

Environmental News

FOR IMMEDIATE RELEASE

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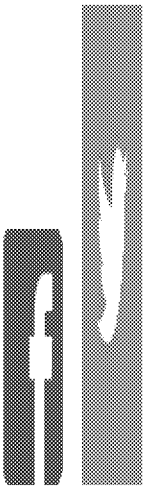
#

For EPA's coronavirus website, visit: <https://www.epa.gov/coronavirus>

Learn more about EPA Region 7: <https://www.epa.gov/aboutepa/epa-region-7-midwest>

Connect with EPA Region 7 on Facebook: www.facebook.com/eparegion7

Follow us on Twitter: @EPARegion7



epa.gov/50

#EPAot50

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 11201 Renner Blvd., Lenexa, KS 66219 United States

--
Chance Swaim
Reporter
The Wichita Eagle
316-269-6752

Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 3/30/2020 6:48:56 PM
To: Hackel, Angela [Hackel.Angela@epa.gov]; Press [Press@epa.gov]
Subject: RE: For Review: EPA regulation changes

Ok

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Monday, March 30, 2020 2:48 PM
To: Press <Press@epa.gov>
Subject: RE: For Review: EPA regulation changes

Hello,

Susan just updated their response which they would like to used for Rebecca and Raquel.

Ex. 5 Deliberative Process (DP)

Thanks,

Angela

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Monday, March 30, 2020 2:36 PM
To: Press <Press@epa.gov>
Subject: For Review: EPA regulation changes

Hello,

Susan recommended that we send her the press release and the link to the policy. The policy is hyper linked in the release.

Ex. 5 Deliberative Process (DP)

From: Raquel Martin <ramartin@nexstar.tv>
Sent: Monday, March 30, 2020 12:27 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>; Press <Press@epa.gov>
Subject: RE: EPA regulation changes

Today by 3p. I just wanted to go over the details of enforcement moving forward and try to get an idea of how long changes will be in place for. I can send specific questions if that's more helpful. Let me know thanks!

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Monday, March 30, 2020 12:23 PM
To: Raquel Martin <ramartin@nexstar.tv>; Press <Press@epa.gov>
Subject: RE: EPA regulation changes

Hi Raquel,

I am looking into this for you. Please let me know your deadline and if you have any additional questions.

Thanks,

Angela

Angela Hackel
Senior Advisor
Office of the Administrator
Office of Public Affairs
U.S. Environmental Protection Agency
Washington, DC 20460
Office: 202.566.2977
Cell: 202.763.3945

From: Raquel Martin <ramartin@nexstar.tv>
Sent: Monday, March 30, 2020 11:12 AM
To: Press <Press@epa.gov>
Subject: FW: EPA regulation changes

Forwarding this request along.

From: Raquel Martin
Sent: Monday, March 30, 2020 11:11 AM
To: mediarequests@nam.org
Subject: EPA regulation changes

Hi,

My name is Raquel Martin. I'm a DC Correspondent with Nexstar Media Group. I'm reaching out to see if we could set up and interview with an official from NAM, to discuss the EPA's decision to rollback federal regulations amid the coronavirus.

Raquel Martin
Washington DC Correspondent
Nexstar Media Group
C: 562-896-6722
@RaquelMartinTV

CAUTION: This message was sent from outside the Nexstar organization. Please do not click links or open attachments unless you recognize the sender.

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 3/26/2020 11:16:26 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]; Leopold, Matt (OGC) [Leopold.Matt@epa.gov]
Subject: RE: a couple questions on the compliance memo

FYI – the story is up. The story itself is what we expected but this headline is ridiculous. Let me know if we want to push back on this.

E.P.A., Citing Coronavirus, Drastically Relaxes Rules for Polluters

<https://www.nytimes.com/2020/03/26/climate/epa-coronavirus-pollution-rules.html>

WASHINGTON — The Environmental Protection Agency on Thursday announced a sweeping relaxation of environmental rules in response to the coronavirus pandemic, allowing power plants, factories and other facilities to determine for themselves if they are able to meet legal requirements on reporting air and water pollution.

The move comes amid an influx of requests from businesses for a relaxation of regulations as they face layoffs, personnel restrictions and other problems related to the coronavirus outbreak.

Issued by the E.P.A.'s top compliance official, Susan P. Bodine, the policy sets new guidelines for companies to monitor themselves for an undetermined period of time during the outbreak and says that the agency will not issue fines for violations of certain air, water and hazardous-waste-reporting requirements.

"In general, the E.P.A. does not expect to seek penalties for violations of routine compliance monitoring, integrity testing, sampling, laboratory analysis, training, and reporting or certification obligations in situations where the E.P.A. agrees that Covid-19 was the cause of the noncompliance and the entity provides supporting documentation to the E.P.A. upon request," the order states.

It said the agency's focus during the outbreak would be "on situations that may create an acute risk or imminent threat to public health or the environment" and said it would exercise "discretion" in enforcing other environmental rules.

The order asks companies to "act responsibly" if they cannot currently comply with rules that require them to monitor or report the release of hazardous air pollution. Businesses, it said, should "minimize the effects and duration of any noncompliance" and keep records to report to the agency how Covid-19 restrictions prevented them from meeting pollution rules.

"E.P.A. is committed to protecting human health and the environment, but recognizes challenges resulting from efforts to protect workers and the public from Covid-19 may directly impact the ability of regulated facilities to meet all federal regulatory requirements," Andrew R. Wheeler, the E.P.A. administrator, said in a statement.

Environmental groups and former Obama administration officials described the policy as an unprecedented relaxation of rules for petrochemical plants and other major polluters.

Gina McCarthy, who led the E.P.A. under the Obama administration and now serves as president of the Natural Resources Defense Council, called it “an open license to pollute.” She said that while individual companies might need flexibility, “this brazen directive is nothing short of an abject abdication of the E.P.A. mission to protect our well being.”

Cynthia Giles, who headed the E.P.A. enforcement division during the Obama administration, said: “This is essentially a nationwide waiver of environmental rules. It is so far beyond any reasonable response I am just stunned.”

Other observers defended the move. Granta Nakayama, a partner at the law firm King & Spalding who served in the E.P.A.’s office of compliance under President George W. Bush, said the memo did not give companies a free pass to pollute, but rather provided guidance in a challenging situation where many industries are facing unique circumstances.

“It’s a very straightforward and sensible, in my view, guidance,” he said.

Agency officials said the new policy relaxes compliance for monitoring and reporting only so that facilities can concentrate on ensuring that their pollution-control equipment remains safe and operational.

“It is not a nationwide waiver of environmental rules,” said Andrea Woods, an E.P.A. spokeswoman. “For situations outside of routine monitoring and reporting, the agency has reserved its authorities and will take the pandemic into account on a case-by-case basis.”

The memo said the compliance changes were retroactive to March 13.

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Sent: Thursday, March 26, 2020 6:24 PM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

This is good by me.

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Thursday, March 26, 2020 5:52 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

Great – will follow up with Lisa.

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Thursday, March 26, 2020 5:43 PM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

Ex. 5 Deliberative Process (DP)

From: Bodine, Susan

Sent: Thursday, March 26, 2020 5:18 PM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hull, George <Hull.George@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: RE: a couple questions on the compliance memo

Ex. 5 Deliberative Process (DP)

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Thursday, March 26, 2020 5:10 PM

To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Hull, George <Hull.George@epa.gov>; Tran, Victoria <tran.victoria@epa.gov>; Fotouhi, David <Fotouhi.David@epa.gov>; Leopold, Matt (OGC) <Leopold.Matt@epa.gov>

Subject: FW: a couple questions on the compliance memo

Please see below inquiry... she's working on an ASAP deadline but will update with our statement. OECA, can you send some info ASAP on her first two questions?

I pulled some language from our talking points on the third question:

Ex. 5 Deliberative Process (DP)

Will work on her last question and will send around ASAP.

From: Friedman, Lisa <lisa.friedman@nytimes.com>

Sent: Thursday, March 26, 2020 4:59 PM

To: Press <Press@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Schiermeyer, Corry
<schiermeyer.corry@epa.gov>

Subject: a couple questions on the compliance memo

- How many 'no action assurance' requests did EPA receive since March 13? Are they publicly available?
- Can you offer any specific examples of companies or entities that are facing difficulties complying with environmental laws based on personnel shortages, etc?
- Does EPA not retain its authority to act if there is an imminent threat? I don't see any language like that in here.
- One person I spoke with described this as a nationwide waiver of environmental rules. Can you respond to that specifically - do you agree with that characterization?

Thank you

Lisa

--

Lisa Friedman
Reporter, New York Times
(202) 862-0306 office
(202) 251-2083 cell

Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 3/30/2020 5:29:05 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance



David S. Harlow
Senior Counsel
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Monday, March 30, 2020 1:05 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: Re: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Thank you. This was mostly AW as well as a more thoughtful follow up to the aggressive tweets I pushed last week!

I'm glad you approve.

Sent from my iPhone

On Mar 30, 2020, at 12:54 PM, Harlow, David <harlow.david@epa.gov> wrote:

Mandy,

I don't know whether you were responsible for having this put out, but I thought that this was both necessary and nicely done.

David S. Harlow
Senior Counsel
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: EPA Press Office <press@epa.gov>

Sent: Monday, March 30, 2020 12:45 PM

To: Harlow, David <harlow.david@epa.gov>

Subject: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

WASHINGTON (March 30, 2020) – The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. On March 26, EPA released a [temporary policy](#) regarding the agency's enforcement of environmental

legal obligations during the COVID-19 pandemic. This temporary policy is not a license to pollute.

We strongly encourage the press to actually read EPA's Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as [E&E News](#), [The Hill](#), the [AP](#), and the [New York Times](#) are relying on sources who falsely claim that the policy provides a blanket waiver of environmental requirements or creates a presumption that the pandemic is the cause of noncompliance.

Here are some of the facts that have been conveniently left out of the press narrative:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with and drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

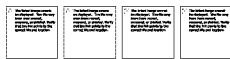
It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and

maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

.....

<image001.png>



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Harlow, David [harlow.david@epa.gov]
Sent: 3/30/2020 4:54:25 PM
To: Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: FW: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Mandy,

I don't know whether you were responsible for having this put out, but I thought that this was both necessary and nicely done.

David S. Harlow
Senior Counsel
Office of Air and Radiation, USEPA
WJC-N Room 5409K
1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
Harlow.David@epa.gov

From: EPA Press Office <press@epa.gov>
Sent: Monday, March 30, 2020 12:45 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

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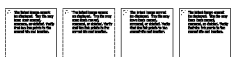
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The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take

our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

.....

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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Message

From: Bodine, Susan [bodine.susan@epa.gov]
Sent: 3/30/2020 4:25:14 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]; Hull, George [Hull.George@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

OK here

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, March 30, 2020 12:24 PM
To: Bodine, Susan <bodine.susan@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Once Andrea cleans this up, is everyone good with us hitting send?

Thank you

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 30, 2020 11:11 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, March 30, 2020 9:31 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Couple edits in red

Thank you!

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Monday, March 30, 2020 9:28 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Subject: FW: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Draft release is below. This tracks closely with Susan's statement – just minor tweaks made. Please send any edits.

Mandy/Corry, do we need to run this by the Administrator as well?

From: EPA Press Office <press@epa.gov>

Sent: Monday, March 30, 2020 9:25 AM

To: Woods, Andrea <Woods.Andrea@epa.gov>

Subject: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview



Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Sent: 3/30/2020 1:14:23 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Gunasekara, Mandy [gunasekara.Mandy@epa.gov]
CC: Hull, George [Hull.George@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Egan, Patrick [egan.patrick@epa.gov]
Subject: RE: EPA: Lax pollution enforcement can stress hospitals during virus -- Monday, March 30, 2020 -- www.eenews.net

Could you work up into a release format...with a title stating something of the sort: Media is Misleading the American Public with Irresponsible Reporting of False Claims by Enviro

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Monday, March 30, 2020 9:09 AM
To: Bodine, Susan <bodine.susan@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: RE: EPA: Lax pollution enforcement can stress hospitals during virus -- Monday, March 30, 2020 -- www.eenews.net

Ex. 5 Deliberative Process (DP)

Adding Mandy for awareness here. I can mock up a release and send around for review.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 30, 2020 8:44 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>
Subject: RE: EPA: Lax pollution enforcement can stress hospitals during virus -- Monday, March 30, 2020 -- www.eenews.net

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Monday, March 30, 2020 8:19 AM

To: Bodine, Susan <bodine.susan@epa.gov>

Cc: Woods, Andrea <Woods.Andrea@epa.gov>; Hull, George <Hull.George@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>

Subject: FW: EPA: Lax pollution enforcement can stress hospitals during virus -- Monday, March 30, 2020 -- www.eenews.net

Hello Susan,

Ex. 5 Deliberative Process (DP)

<https://www.eenews.net/climatewire/2020/03/30/stories/1062735245>

Lax pollution enforcement can stress hospitals during virus

Jean Chemnick, E&E News reporter Published: Monday, March 30, 2020

EPA



Environmentalists and health advocates said the Trump administration is putting the public at risk by relaxing pollution enforcement during the coronavirus pandemic. Nik Andr/Flickr

EPA's move last week to ease pollution enforcement during the novel coronavirus pandemic endangers people who are susceptible to the spreading disease by exacerbating respiratory illnesses, according to public health experts.

Virus hot spots like New York City have historically been exposed to high levels of air pollution from factories, cars and other sources of particulate matter. They also have higher rates of respiratory illnesses compared with other areas of the nation, said Kathy Fallon Lambert of the T.H. Chan School of Public Health at Harvard University.

"EPA's decision to weaken pollution enforcement could make a bad situation much worse at a time when the demand for medical care is already stressed," she said. "It's an unconscionable triple whammy that could lead to increased demands for medical care, increased respiratory illness from air pollution and increased COVID-19 cases."

EPA announced Thursday that it would use "enforcement discretion" when facilities fail to meet agency requirements for environmental testing, reporting and pollution control because of the pandemic.

A memo by Assistant Administrator Susan Bodine said social distancing guidelines recommended by the Centers for Disease Control and Prevention may limit staff from performing their duties and interfere with companies' ability to comply with agency rules and consent decrees. Those include meeting "enforceable limitations on air emissions."

The action, which began retroactively on March 13, would allow EPA to suspend fines and other penalties for noncompliance. It uses the word "temporary" but has no end date.

Environmentalists and public health advocates criticized the move by arguing that laxer pollution requirements for petrochemical plants, power stations and other intensive emitters during a respiratory health crisis could jeopardize public safety.

"Excusing the potential release of excess toxic air pollutants and other pollution that exacerbates asthma, breathing difficulty, and cardiovascular problems in the midst of a pandemic that can cause respiratory failure is irresponsible from a public health [perspective]," states a letter by the Environmental Integrity Project and signed by Cynthia Giles, who held Bodine's position at EPA under President Obama.

Smog and soot from industrial processes contribute to atmospheric particulate pollution, which causes cardiovascular illnesses.

"Air pollution is strongly associated with people's risk of getting pneumonia and other respiratory infections and with getting sicker when they do get pneumonia," said Aaron Bernstein, interim director of the Center for Climate, Health and the Global Environment at Harvard, in an interview circulated by the school.

A study on severe acute respiratory syndrome, or SARS, a 2003 pandemic that is closely related to COVID-19, found that people who breathed dirtier air were about twice as likely to die from the infection, he said.

"Everybody is put at risk from air pollution, but the people who have the greatest impacts are the people who are already at diminished capacity," said George Thurston, director of the exposure assessment and health effects program at the New York University School of Medicine.

Coronavirus hot spots like New York City, New Orleans, Chicago, Detroit and Los Angeles are bracing for a surge in cases that threaten to overwhelm hospitals.

Incremental increases in pollution could exacerbate the symptoms of other respiratory illnesses, causing more people to seek medical assistance at a time when the U.S. public health system is at a breaking point.

"The last thing you want to do is to be driving more people into the hospital with asthma attacks, heart attacks and the like," said Thurston.

Air pollution in the United States and other countries has fallen in recent weeks because of slowed economic activity related to the pandemic. But while emissions are lower now, an uptick in pollution could multiply sicknesses, Thurston said.

"There is no known threshold below which air pollution has no effect," he said.

When the economy ramps up after the worst of the pandemic has passed, the increased pollution promises to have a cumulative impact on public health, especially if EPA extends its nonenforcement policy, he said.

Message

From: Gunasekara, Mandy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F639EA28AF4C455493939E3129260707-GUNASEKARA,]
Sent: 3/30/2020 5:04:51 PM
To: Harlow, David [harlow.david@epa.gov]
Subject: Re: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Thank you. This was mostly AW as well as a more thoughtful follow up to the aggressive tweets I pushed last week!

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Sent from my iPhone

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1200 Pennsylvania Avenue NW
Washington, DC 20460
202-564-1233
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From: EPA Press Office <press@epa.gov>
Sent: Monday, March 30, 2020 12:45 PM
To: Harlow, David <harlow.david@epa.gov>
Subject: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

WASHINGTON (March 30, 2020) – The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. On March 26, EPA released a [temporary policy](#) regarding the agency's enforcement of environmental legal obligations during the COVID-19 pandemic. This temporary policy is not a license to pollute.

We strongly encourage the press to actually read EPA's Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as [E&E News](#), [The Hill](#), the [AP](#), and the [New York Times](#) are relying on sources who falsely claim that the policy provides a blanket waiver of

environmental requirements or creates a presumption that the pandemic is the cause of noncompliance.

Here are some of the facts that have been conveniently left out of the press narrative:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with and drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

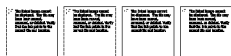
The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take

our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

.....

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<!--[endif]-->

<!--[if !vml]-->



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004



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From: POLITICO Pro States [states-alert@politico.com]
Sent: 3/26/2020 10:58:10 PM
To: McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: EPA eases enforcement over virus

EPA eases enforcement over virus

By Alex Guillén

03/26/2020 06:57 PM EDT

WASHINGTON — EPA on Thursday said it will allow for industries like oil, gas and chemical companies to delay some regulatory compliance as the U.S. is battered by the coronavirus pandemic.

The policy shift comes in response to requests from industry groups who say workers cannot perform all of the tasks required to comply with environmental laws while many of them are working remotely to comply with "social distancing" recommendations to prevent the spread of Covid-19. There are a number of reporting, training and monitoring requirements that should be eased to promote social distancing and keep workers from having to gather, oil industry executives told POLITICO. They also warned that if the virus spreads and causes further worker quarantines, oil and gas facilities may need to scale back compliance work such as regular checks for pollution leaks, which at refineries and other facilities often involve contractors interacting with equipment — and workers — all over the site.

Administrator Andrew Wheeler said that EPA is using its discretion to ease off of mostly administrative requirements rather than direct pollution rules.

“If there is an acute risk or imminent threat, we will still enforce,” he told reporters on a conference call. “The enforcement discretion is more toward recordkeeping, monitoring requirements, things of that sort, where we’re hearing from a number of facilities around the country where they simply don’t have the necessary personnel in their facilities to make those reports in a timely basis.”

The memo issued Thursday is written broadly and avoids making specific enforcement promises, but does outline broad steps for companies to document how the virus caused the noncompliance.

“We have not provided specific criteria, but the memo does state as the lead-in that the reason we’re doing it is because we’re aware of the travel restrictions, the social distancing restrictions and in fact even the stay-at-home restrictions,” EPA enforcement chief Susan Bodine told reporters.

That means actions taken to promote social distancing or in response to CDC guidance are likely to be easily approved. “Beyond that, we’ll have to look at it,” she said.

Critics like Cynthia Giles, the Obama-era enforcement chief now at Harvard's Environmental and Energy Law Program, said EPA shouldn’t be granting breaks so broadly.

“These rules are there to protect health and they can only be put to one side in the most extreme extraordinary circumstances, and even then only when very narrowly tailored to address a specific problem,” Giles said.

Former EPA Administrator Gina McCarthy said the decision gives companies "an open license to pollute" and accused the Trump administration of taking advantage of a crisis.

"We can all appreciate the need for additional caution and flexibility in a time of crisis, but this brazen directive is an abdication of the EPA's responsibility to protect our health," McCarthy, now the president and CEO of the Natural Resources Defense Council, said in a statement.

Industry officials said the unique nature of the pandemic has presented unusual compliance challenges that call for increased flexibility by regulators.

"It's hard for me to point you back to precedent because we are in uncharted territories here and this is truly an unprecedented circumstance that requires some action from the agency," said Frank Macchiarola, senior vice president of policy, economics and regulatory affairs at the American Petroleum Institute.

But Eric Schaeffer, executive director of the Environmental Integrity Project, argues that if an oil or gas company is up and running, it shouldn't just send home compliance employees while the rest keep producing fossil fuels.

"Taking the side of the plant responsible for compliance and public health and laying them off when you're keeping the production workers on the line — that's not a coronavirus decision. That's a decision to cut costs," said Schaeffer, a former head of EPA's civil enforcement office.

The agency could act more directly in specific cases going forward, Bodine added.

So far, EPA has only eased specific enforcement requirements related to the coronavirus in one area, for 11 pharmaceutical facilities in Puerto Rico still powered by generators because of the island's damaged electrical grid. Bodine said EPA has issued a "no action assurance" because those facilities need to keep running using generators longer than is typically allowed.

EPA would also consider "more tailored short-term" help for facilities deemed essential critical infrastructure by the Department of Homeland Security's Cybersecurity and Infrastructure Security Agency.

However, EPA singled out public water system operators "to continue normal operations and maintenance as well as required sampling to ensure the safety of our drinking water supplies."

EPA will not make companies catch up on monitoring or reporting that happens quarterly or more often, the memo said.

The policy won't apply to criminal violations, and it does not spare companies from having to respond to spills of oil, chemicals or pollution.

To view online:

<https://subscriber.politicopro.com/states/california/story/2020/03/26/epa-eases-enforcement-over-virus-1269292>

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Message

From: Dewey, Amy [Dewey.Amy@epa.gov]
Sent: 3/31/2020 12:56:45 PM
To: Doyle, Brett [doyle.brett@epa.gov]
CC: McFaul, Jessica [mcfaul.jessica@epa.gov]; Milbourn, Cathy [Milbourn.Cathy@epa.gov]; Woods, Andrea [Woods.Andrea@epa.gov]
Subject: FW: EPA Corrects the Record

Brett,

I got some positive feedback from my stakeholders on this release. Because everyone is home they are really engaged in everything we are doing. Amy

From: Ian Lyle <ilyle@nwra.org>
Sent: Tuesday, March 31, 2020 8:42 AM
To: Dewey, Amy <Dewey.Amy@epa.gov>
Subject: Re: EPA Corrects the Record

Thanks Amy! Good response to the bad information that is circulating. Hope you and your team are all doing ok during these interesting times.

Take care - Ian

Ian Lyle
National Water Resources Association

From: Dewey, Amy <Dewey.Amy@epa.gov>
Sent: Tuesday, March 31, 2020 8:30 AM
Subject: EPA Corrects the Record

•

News Releases from Headquarters › Enforcement and Compliance Assurance (OECA)

EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

03/30/2020

Contact Information:

EPA Press Office (press@epa.gov)

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The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

Amy H. Dewey

Special Assistant – Office of the Administrator – Office of Public Engagement – Environmental Protection Agency – Tel. 202 564-7816 – dewey.amy@epa.gov

Message

From: EPAPublicAffairs [EPAPublicAffairs@epa.gov]
Sent: 3/31/2020 1:34:03 PM
To: McFaul, Jessica [mcfaul.jessica@epa.gov]
Subject: FW: Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program
Attachments: FW: Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 3/31/2020 1:34:02 PM
To: EPAPublicAffairs [EPAPublicAffairs@epa.gov]
Subject: FW: Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program

From: Markman, Melanie <Melanie.Markman@arconic.com>
Sent: Tuesday, March 31, 2020 7:03 AM
To: Press <Press@epa.gov>
Subject: Covid-19 Implications for EPA's Enforcement and Compliance Assurance Program

All,

As an industry professional the guidance documentation that was released on Covid-19 on March 26, 2020 is continuing to circle the mass media in a way that is unacceptable. I'm getting messages, not from my company, but from others in professional networks and my graduate class about this. The comments are ranging from "have I been laid off, because I am no longer needed" to "this is a license to pollute." I'm receiving threats to my own well being due to trying to dispel the perceptions from the media.

I am asking your team to devise a release talking more about the impacts specifically listed and that most are already lagging indicators or that shelter in place orders are keeping people home and that trainings/recertifications can't be carried out at this time. To talk more about lead times with laboratories being impacted and that testing for Covid-19 takes a priority over a routine monitoring sample assuming a lab may be capable of both. This is a personal request only written via a company email address to show the legitimacy of the request as an industry professional. All the information included is my own experience and opinion that is not related to Arconic and its operations.

I hope other professionals ask you to continue to correct the media in a factual tone as well. I'm deeply disturbed by the turbulent times so easily causing rifts in communities even as the EPA has tried to aid efforts in providing sanitizers and other needs with Covid-19. This is not a time for rifts this is a time for coming together.

Thank you for all that you do and for your time.

Sincerely,

Melanie Markman

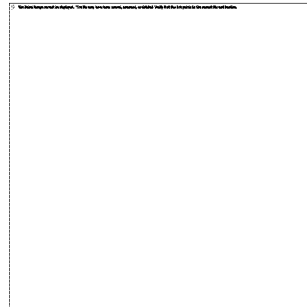
Environmental Engineer, Radiation Safety Officer
Arconic Engines/ Savannah Operations
93 Dunwoody Ct. Midway, GA 31320
+01 (912) 880-1378 (desk)
+01 (912) 318-1925 (cell)
Melanie.Markman@arconic.com

Message

From: Gray, David [gray.david@epa.gov]
Sent: 3/30/2020 4:07:18 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; Hull, George [Hull.George@epa.gov]
Subject: FW: The EPA and the TCEQ must rescind their decisions to relax pollution rules amid COVID-19

FYI

From: Air Alliance Houston <cynthia@airexchange.ccsend.com> **On Behalf Of** Air Alliance Houston
Sent: Monday, March 30, 2020 11:05 AM
To: Gray, David <gray.david@epa.gov>
Subject: The EPA and the TCEQ must rescind their decisions to relax pollution rules amid COVID-19



Air Alliance Houston is calling on the Environmental Protection Agency (EPA) and the Texas Commission for Environmental Quality (TCEQ) to rescind their decisions to indefinitely suspend environmental regulations and exercise “enforcement discretion” in response to COVID-19.

According to a recent analysis by the University of Texas School of Public Health, many of the communities in the Houston area that will bear the brunt of the public health burden that these reckless decisions will impose are also at higher risk of experiencing worse health outcomes from COVID-19.

COVID-19 presents unique challenges for people with underlying health conditions as well as the elderly – groups that are also at higher risk of disease and premature death from air pollution. Moreover, air pollution could also exacerbate the health impacts of COVID-19.

Yet, within the past week, both state and federal government officials issued statements that amount to releasing major industrial facilities from rules requiring them to abide by pollution permits and exempting them from the timely reporting of certain environmental incidents. These waivers put the public health of communities already struggling with the consequences of an on-going pandemic at even greater risk.

The nation's environmental rules are some of the first lines of defense for protecting public health. The failure to recognize that relaxing these requirements during an escalating public health emergency not only puts communities at greater risk but also bears the potential to increase the burden on an already strained health care workforce, including first responders. The unavoidable conclusion is that our government continues to fail when it comes to protecting public health.

Clarity is needed to determine what steps facilities are taking to prevent illegal air pollution releases and minimize chemical threats during these uncertain times.

There are more than 400 petrochemical facilities, including two of the four largest U.S. oil refineries, in Harris County. Two of the largest environmental regulatory agencies in the world – TCEQ and EPA – must recognize their primary responsibility to ensure that all communities breathe clean air every day and are protected from exposure to air pollution during disasters, including COVID-19. The EPA and TCEQ granting environmental waivers during COVID-19 leaves Houston communities defenseless against industrial polluters. In a letter addressed to President Trump and other elected officials, an industry coalition requested that all levels of government come together to apply a consistent definition of “critical infrastructure” and to follow the guidance issued from the Department of Homeland Security Cybersecurity and Infrastructure Security Agency to identify “critical infrastructure workers.”

During any disaster, health, safety, and environment (HSE) workers at industrial facilities must be considered a part of the “critical infrastructure workforce” in order to ensure facilities are operating safely and to protect against major disasters. Without adequate HSE staff, workers at facilities are put in harm's way, preventable accidents that spill toxic chemicals go undetected, and worse, major disasters like the ITC fire can occur. It is unclear from the guidance issued whether HSE staff are considered “critical infrastructure workforce” and what steps are being taken to protect communities during this vulnerable time.

Environmental enforcement is already shamefully inadequate under “normal” conditions as TCEQ fails to penalize violators 97% of the time.

On a regular day, illegal pollution releases are all too common in Houston and Texas. For the people living here, particularly those living in close proximity to these facilities, enforcement action is critical to deter industry from violating air permits. For example, a recent analysis of EPA's benzene air monitoring data by the Environmental Integrity Project found that half of the refineries with the most cancer-causing benzene emissions in the US are right here in Houston's backyard. Indeed, AAH's own investigation discovered that Pasadena Refining System underreported its benzene emissions to TCEQ in fall 2018.

Moreover, the historical and ongoing failure of TCEQ and EPA to hold facilities accountable for repeated violations was a contributing factor that led to last year's spate of devastating industrial fires in the Houston Region. Such an event would reasonably cause critical public health and health care resources to be redirected away from COVID-19 and other patients in need of emergency care. Furthermore, an “ITC-like” event during this

time would compromise the physical and mental well-being of an already fragile public. Now is not the time to relax existing requirements.

Enforcement action is critical for communities of color and low-income neighborhoods to protect them from the disproportionate impacts of air pollution and chemical safety risks on their health and well-being.

Historically, communities of color and low-income neighborhoods have been treated as collateral damage. Consequently, in 1994, former President Bill Clinton issued Executive Order 12898 to address environmental justice issues in communities of color and low-income populations. The EPA defines environmental justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Both the EPA and the TCEQ have historically failed to take vigorous action to enforce existing laws and effectively uphold the intent of Executive Order 12898. By taking this step, EPA and TCEQ are sending a clear message that the health and well-being of environmental justice communities do not matter, not even during a public health crisis.

The public is relying on all levels of government to hold facilities accountable, especially during times of crisis.

We applaud the statement issued by Harris County Pollution Control Services, essentially stepping up where TCEQ and EPA intend to fail us. However, we need the resolve of all levels of government to enforce existing requirements during these uncertain times.

Air Alliance Houston demands, and will continue to work toward, greater transparency for all communities affected by these orders and will work to ensure that facilities are held accountable.

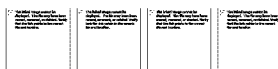
As we learned after facilities released millions of pounds of excess pollution during Hurricane Harvey, more – not less – transparency and accountability is needed during disasters. While illegal pollution releases are already all too common in Houston and Texas, during the last legislative session TCEQ received funding to increase its capacity to expedite air permits rather than increase its enforcement capacity. Moreover, with each crisis, both our state and federal government reveal how ill-equipped they are to handle disasters and how willing they are to excuse illegal behavior from industrial facilities. Put simply, these actions demonstrate TCEQ’s and EPA’s priorities. By irresponsibly issuing statements announcing “enforcement discretion” during a public health pandemic and the suspension of enforcement of environmental laws, our state and federal governments continue to fail in their legal and moral responsibility to protect the health and well-being for us all.

-

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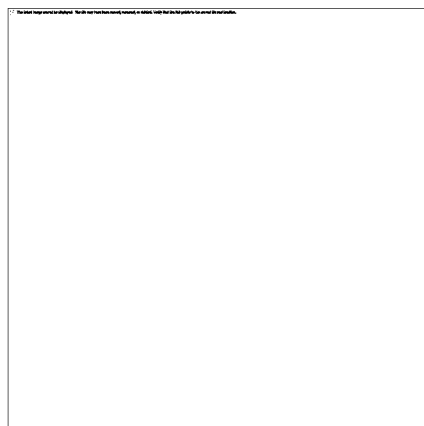


Air Alliance Houston | 2520 Caroline St, Suite 100, Houston, TX 77004

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Message

From: Woods, Andrea [Woods.Andrea@epa.gov]
Sent: 3/31/2020 3:07:35 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: Strengthening transparency

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, March 31, 2020 11:06 AM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: Strengthening transparency

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Tuesday, March 31, 2020 11:03 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Strengthening transparency

Ex. 5 Deliberative Process (DP)

I can pull the last statement on the carper letter. We have a response to the covid data question.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, March 31, 2020 11:01 AM
To: Press <Press@epa.gov>
Subject: FW: Strengthening transparency

Please pull the response we sent to the Carper letter. I will review and see what else we can add.

Thank you!

From: Sharon Lerner <sharon.lerner@theintercept.com>
Sent: Tuesday, March 31, 2020 10:57 AM
To: Press <Press@epa.gov>
Subject: Strengthening transparency

Hi Press office -

I am writing about both the strengthening transparency rule and the recent decision announced by Susan Bodine last week to restrict enforcement.

One person I interviewed said, of both, that: "They're taking political advantage of a crisis when they know it's more difficult to respond" He was referring to EPA

Re the transparency rule, I note that, despite requests to extend the 30-day comment period for the latest version of the rule, you have declined to do so. I also note that the Union of Concerned Scientists requested that you conduct a virtual hearing on the rule but that you have declined to do that, either.

I also note that several people, including Sen. Carper, have noted that the new rule would restrict the use of "studies that could be usefully relied upon during a pandemic or other crisis"

Re the enforcement, I note that several people have pointed out that the decision to suspend many of the normal requirements for pollution control may put fence line communities at particular risk from Covid-19

Please let me know if you have any comment on any of the above by noon today. Thank you

Sharon Lerner
Investigative Reporter

The Intercept
mobile/signal 718-877-5236

@fastlerner

<https://theintercept.com/staff/sharon-lerner/>

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Message

From: Rebecca Beitsch [rebecca@thehill.com]
Sent: 3/30/2020 2:03:07 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
CC: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: Re: Correction

☹ I don't know him either! Story has now been updated. Sorry about that, and thank you for flagging.

Rebecca Beitsch
Energy and Environment Reporter
The Hill
rebecca@thehill.com | [@rebeccabeitsch](https://twitter.com/rebeccabeitsch)

On Sun, Mar 29, 2020 at 8:16 PM Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Hello Rebecca,

I was reading your updated story...who is Andrew Hill? They don't work for us.

EPA told The Hill in a statement the agency believes that it is more important for facilities to ensure that their pollution control equipment remains up and running and that facilities are operating safely, than to carry out routine sampling and reporting.

"We retain all our authorities and will exercise them appropriately," agency spokeswoman Andrew Hill said in an email.

<https://thehill.com/policy/energy-environment/489943-critics-blast-epa-move-as-license-to-pollute-during-pandemic>

Corry Schiermeyer

Associate Administrator

Office of Public Affairs

Environmental Protection Agency

Schiermeyer.corry@epa.gov

202-564-6782

Message

From: Scipioni, Jade (NBCUniversal) [Jade.Scipioni@nbcuni.com]
Sent: 3/30/2020 4:58:35 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: quick question

I'm all set thanks

From: Scipioni, Jade (NBCUniversal)
Sent: Monday, March 30, 2020 12:50 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: quick question

Can you explain this simply for me?

Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Monday, March 30, 2020 12:29 PM
To: Scipioni, Jade (NBCUniversal) <Jade.Scipioni@nbcuni.com>
Subject: [EXTERNAL] RE: quick question

Hello Jade,

See if this helps at all:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with numerous questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

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From: Scipioni, Jade (NBCUniversal) <Jade.Scipioni@nbcuni.com>
Sent: Monday, March 30, 2020 12:22 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: quick question

Hi Corry,

Just making sure I understand everything correctly. Under normal circumstance under the FDA guidelines, companies were required to report when they release certain levels of pollution into the air or water.

Also, the EPA's new policy is effort to to help companies who are short staffed due to coronavirus. Correct? Thanks

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 3/31/2020 12:51:17 PM
To: Egan, Patrick [egan.patrick@epa.gov]
CC: Hull, George [Hull.George@epa.gov]; Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: Inquiry from Engineering News-Record - 9:00 am deadline

Thanks Patrick. Corry, I will send this to the press box for review.

From: Egan, Patrick <egan.patrick@epa.gov>
Sent: Tuesday, March 31, 2020 8:33 AM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Cc: Hull, George <Hull.George@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: Inquiry from Engineering News-Record - 9:00 am deadline

Angela,

Here is Susan's response.

Patrick J. Egan, M.P.A.
Deputy Director of Communications
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (MC: 2201A)
Washington, DC 20460
Office: 202-564-4059 | Cell: 202-440-3883

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Tuesday, March 31, 2020 8:27 AM
To: Hull, George <Hull.George@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Irving, John <Irving.John@epa.gov>
Cc: Egan, Patrick <egan.patrick@epa.gov>
Subject: RE: Inquiry from Engineering News-Record - 9:00 am deadline

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Message

From: Lee, Stephen [stephenlee@bloombergenvironment.com]
Sent: 3/31/2020 4:05:47 PM
To: Schiermeyer, Corry [schiermeyer.corry@epa.gov]
Subject: RE: Response to House members?

Thanks! Will use.

Stephen Lee
Reporter
Bloomberg Environment
Direct: 703-341-3698
Mobile: 202-297-7249
Twitter: @sklee_ca
stephenlee@bloombergenvironment.com

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, March 31, 2020 12:04 PM
To: Lee, Stephen <stephenlee@bloombergenvironment.com>; Press <Press@epa.gov>
Subject: RE: Response to House members?

I have something...

"Many of SEEC claims are false and it is apparent they didn't even read our guidance. EPA's enforcement authority and responsibility remains active. **It is not a nationwide waiver of environmental rules.** We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public."

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than

making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

From: Lee, Stephen <stephenlee@bloombergenvironment.com>

Sent: Tuesday, March 31, 2020 11:58 AM

To: Press <Press@epa.gov>

Subject: Response to House members?

Hi there. I'm writing this as a "speed item," meaning a very quick burst that just reports what's in here. I'll also quote as heavily as I can from Administrator Wheeler's previous remarks on the new policy. But if you have anything that responds specifically to this letter, please let me know within the next 10 minutes. (Sorry for the extremely short notice...these speed items are supposed to go out ASAP.)

Stephen



For Immediate Release: March 31, 2020

Contact: Maria Laverdiere, 202-465-6885

Members of SEEC Leadership condemn EPA suspension of environmental enforcement during COVID-19 crisis

Washington D.C. – Today the **leaders of the House Sustainable Energy and Environment Coalition (SEEC)** sent Environmental Protection Agency (EPA) Administrator Andrew Wheeler a letter condemning the Agency's March 26 memorandum announcing that the EPA will cease all enforcement actions during the coronavirus pandemic.

The letter sent today reads in part:

"The health impacts of these [industry] pollutants are well-established, and exposure is particularly dangerous for those with respiratory conditions. We are currently facing a severe respiratory pandemic, taking lives and hospitalizing thousands—at this moment, communities need more protections from toxic pollution, not less. Waiving environment

enforcement will only add to the severity of the COVID-19 crisis... While our doctors and nurses work urgently to keep people healthy and manage hospital overflows, you are granting polluting industries a free pass to contaminate our air and water, likely adding patients to healthcare providers' already overwhelming caseloads."

The letter was led by **SEEC Vice-Chair Rep. Mike Quigley** along **Co-Chairs Reps. Gerry Connolly, Paul Tonko, and Doris Matsui** and fellow **SEEC Vice-Chairs Reps. A. Donald McEachin, Chellie Pingree, Rep. Alan Lowenthal, and Matt Cartwright**. The full text of the letter can be found below, and a signed copy can be found [here](#).

The Honorable Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, DC 20460

Dear Administrator Wheeler:

We write to express our opposition to the enforcement decision outlined in the Environmental Protection Agency's (EPA) March 26 memorandum announcing that the agency will cease all enforcement actions during the coronavirus pandemic. This suspension of enforcement during the ongoing COVID-19 health crisis is irresponsible and neglects the Agency's core mission to protect public health. Environmental protections are more important than ever as we face the spread of a severe respiratory illness that is making tens of thousands of Americans sick and straining the capacity of our hospitals and healthcare workforce.

Reports indicate that the EPA is broadly relaxing enforcement of environmental protections after receiving requests to do so from industry, in particular the oil and gas industry. The criteria pollutants commonly released by industrial activities, especially the fossil fuel industry, include carbon monoxide (CO), nitrogen oxides (NO_x), sulfur oxides (SO_x), ozone (O₃), particulate matter (PM), and lead (Pb). Exposure to these pollutants can have serious health consequences, such as trouble breathing, aggravated asthma, lung cancer, heart attack, chronic obstructive pulmonary disease (COPD), and premature death. The health impacts of these pollutants are well-established, and exposure is particularly dangerous for those with respiratory conditions. We are currently facing a severe respiratory pandemic, taking lives and hospitalizing thousands—at this moment, communities need more protections from toxic pollution, not less. Waiving environmental enforcement will only add to the severity of the COVID-19 crisis.

Equally alarming are the environmental justice implications of your decision. Members of frontline communities—including low-income communities, communities of color, and Tribal and indigenous communities—are already more exposed to pollution that can cause health problems, such as cancer and asthma, and often lack access to healthcare. Exacerbating these environmental threats only increases their vulnerability to this pandemic. Suspending enforcement will significantly increase the risk of death and hospitalization as these communities continue to fight the COVID-19 pandemic. Furthermore, we are very concerned about protections to water quality during this time, as oil and gas production, refining and other industrial activities can create significant amounts of toxic wastewater that must go through several stages of treatment before release. If not properly treated, then the water's rerelease can put critical water supplies, especially drinking water, at risk.

Your broad suspension of enforcement is unprecedented and dangerous, especially given the pandemic we face. While our doctors and nurses work urgently to keep people healthy and manage hospital overflows, you are granting polluting industries a free pass to contaminate our air and water, likely adding patients to healthcare providers' already overwhelming caseloads. Industry operations that mitigate pollution are more important now than ever, and these companies need to treat pollution mitigation like the essential function that it is. We urge you to reverse your decision and take a more measured and appropriate approach to working with industries that maintains the EPA's mission to protect public health.

Thank you for your attention to this important matter.

Stephen Lee

Reporter

Bloomberg Environment

Direct: 703-341-3698

Mobile: 202-297-7249

Twitter: @sklee_ca

stephenlee@bloombergenvironment.com

Message

From: Schiermeyer, Corry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: 3/30/2020 4:28:58 PM
To: Scipioni, Jade (NBCUniversal) [Jade.Scipioni@nbcuni.com]
Subject: RE: quick question

Hello Jade,

See if this helps at all:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with numerous questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with and drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

From: Scipioni, Jade (NBCUniversal) <Jade.Scipioni@nbcuni.com>
Sent: Monday, March 30, 2020 12:22 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: quick question

Hi Corry,

Just making sure I understand everything correctly. Under normal circumstance under the FDA guidelines, companies were required to report when they release certain levels of pollution into the air or water.

Also, the EPA's new policy is effort to to help companies who are short staffed due to coronavirus. Correct? Thanks

Message

From: Schiermeyer, Corry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: 3/31/2020 3:09:08 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: Strengthening transparency

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Tuesday, March 31, 2020 11:03 AM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Strengthening transparency

Ex. 5 Deliberative Process (DP)

I can pull the last statement on the carper letter. We have a response to the covid data question.

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Sent: Tuesday, March 31, 2020 11:01 AM
To: Press <Press@epa.gov>
Subject: FW: Strengthening transparency

Please pull the response we sent to the Carper letter. I will review and see what else we can add.

Thank you!

From: Sharon Lerner <sharon.lerner@theintercept.com>
Sent: Tuesday, March 31, 2020 10:57 AM
To: Press <Press@epa.gov>
Subject: Strengthening transparency

Hi Press office -

I am writing about both the strengthening transparency rule and the recent decision announced by Susan Bodine last week to restrict enforcement.

One person I interviewed said, of both, that: "They're taking political advantage of a crisis when they know it's more difficult to respond" He was referring to EPA

Re the transparency rule, I note that, despite requests to extend the 30-day comment period for the latest version of the rule, you have declined to do so. I also note that the Union of Concerned Scientists requested that you conduct a virtual hearing on the rule but that you have declined to do that, either.

I also note that several people, including Sen. Carper, have noted that the new rule would restrict the use of "studies that could be usefully relied upon during a pandemic or other crisis"

Re the enforcement, I note that several people have pointed out that the decision to suspend many of the normal requirements for pollution control may put fence line communities at particular risk from Covid-19

Please let me know if you have any comment on any of the above by noon today. Thank you

Sharon Lerner
Investigative Reporter
The Intercept
mobile/signal 718-877-5236
@fastlerner
<https://theintercept.com/staff/sharon-lerner/>
Subscribe @ <http://sharonlerner.com/>

PGP:
CB29 D9FF 9285 3205 087E 83A1 0C30 2F39 4F30 8BFE

Message

From: Schiermeyer, Corry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B0332276A9784253A5A78F39ECCF1F29-SCHIERMEYER]
Sent: 3/30/2020 8:56:57 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Point to this portion in the release:

Ex. 5 Deliberative Process (DP)

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Monday, March 30, 2020 4:54 PM
To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: FW: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

This reporter is already tweeting about this. Do you want to comment or just let it be?

<https://twitter.com/byChanceSwaim/status/1244728616270913536?s=20>

From: Swaim, Chance <cswaim@wichitaeagle.com>
Sent: Monday, March 30, 2020 4:43 PM
To: Washburn, Ben <washburn.ben@epa.gov>; Press <Press@epa.gov>
Subject: Re: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Hello,

I guess I missed the part where you pointed out what specifically the AP, The Hill, or the New York Times got wrong about the temporary policy or what you're calling propaganda. Do you mind filling me in?

On Mon, Mar 30, 2020 at 3:25 PM 'Ben Washburn' via WIC News CI <wenews@wichitaeagle.com> wrote:



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM



CONTACT: press@epa.gov

EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Contact Information: press@epa.gov

Environmental News

FOR IMMEDIATE RELEASE

WASHINGTON (March 30, 2020) – The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. On March 26, EPA released a temporary policy regarding the agency's enforcement of environmental legal obligations during the COVID-19 pandemic. This temporary policy is not a license to pollute.

We strongly encourage the press to actually read EPA's Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as E&E News, The Hill, the AP, and the New York Times are relying on sources who falsely claim that the policy provides a blanket waiver of environmental requirements or creates a presumption that the pandemic is the cause of noncompliance.

Here are some of the facts that have been conveniently left out of the press narrative:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with and drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

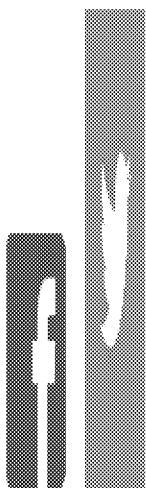
#

For EPA's coronavirus website, visit: <https://www.epa.gov/coronavirus>

Learn more about EPA Region 7: <https://www.epa.gov/aboutepa/epa-region-7-midwest>

Connect with EPA Region 7 on Facebook: www.facebook.com/eparegion7

Follow us on Twitter: @EPARegion7



[epa.gov/50](https://www.epa.gov/50)

#EPAat50

If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 11201 Renner Blvd., Lenexa, KS 66219 United States

--

Chance Swaim
Reporter
The Wichita Eagle
316-269-6752

Message

From: Hackel, Angela [Hackel.Angela@epa.gov]
Sent: 3/31/2020 9:38:20 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: RE: For Review: Question on EPA Enforcement Memo for ENR story--DDL 9 am

I did not get approval. Will send now.

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Tuesday, March 31, 2020 5:37 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: RE: For Review: Question on EPA Enforcement Memo for ENR story--DDL 9 am

Was this approved and sent? If not, please send.

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, March 31, 2020 11:46 AM
To: Press <Press@epa.gov>
Subject: RE: For Review: Question on EPA Enforcement Memo for ENR story--DDL 9 am

Circling back on this one. Okay to send?

Thanks,

Angela

From: Hackel, Angela <Hackel.Angela@epa.gov>
Sent: Tuesday, March 31, 2020 9:03 AM
To: Press <Press@epa.gov>
Subject: For Review: Question on EPA Enforcement Memo for ENR story--DDL 9 am

Hello,

Below is the response that Susan made edits to. Okay to send?

Please see our press releases and supporting information:

<https://www.epa.gov/newsreleases/epa-announces-enforcement-discretion-policy-covid-19-pandemic-0>

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Thanks,

Angela

From: Grinapol, Corinne <Grinapolc@enr.com>
Sent: Monday, March 30, 2020 8:49 PM
To: Hackel, Angela <Hackel.Angela@epa.gov>
Subject: Re: Question on EPA Enforcement Memo for ENR story

Thanks, Angela. Latest tomorrow morning, around 9 a.m. ET.

From: "Hackel, Angela" <Hackel.Angela@epa.gov>
Date: Monday, March 30, 2020 at 8:43 PM
To: "Grinapol, Corinne" <Grinapolc@enr.com>, Press <Press@epa.gov>
Subject: RE: Question on EPA Enforcement Memo for ENR story

Hi Corinne,

I am looking into this for you. Can you please let me know your deadline?

Thanks,

Angela

From: Grinapol, Corinne <Grinapolc@enr.com>
Sent: Monday, March 30, 2020 8:18 PM
To: Press <Press@epa.gov>
Subject: Question on EPA Enforcement Memo for ENR story

Hi there,

I'm working on a story for Engineering News-Record about the EPA's "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" memo issued March 26 and would like a comment from the EPA about the particular conditions/specific sorts of impact EPA was seeing from COVID-19 that led it to issue the policy outlined in the memo.

Also, in the case that an entity can't demonstrate that non-compliance was a result of COVID-19, how will the EPA proceed?

Thanks,
Corinne

--

Corinne Grinapol
Assistant Editor, Energy and Environment
ENR
E: Grinapolc@bnpmedia.com
M: 646.565.8161

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Message

From: Michael Abboud [Abboud.Michael@epa.gov]
Sent: 3/30/2020 4:45:19 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]
Subject: Your campaign has been sent

Your campaign has been sent

The campaign **EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance** has been sent to 3,023 recipients, with the subject of 'EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance'.



[See the reports, or view this campaign](#)



[Watch the action live](#)

Login to view a detailed report on this campaign including who opened it and when, what links they clicked on, who unsubscribed, etc.

From: Sharon Lerner [sharon.lerner@theintercept.com]
Sent: 3/31/2020 3:13:39 PM
To: Woods, Andrea [Woods.Andrea@epa.gov]
CC: Press [Press@epa.gov]
Subject: Re: Strengthening transparency
Attachments: signature.asc

Got it. Thanks

Sharon Lerner

Investigative Reporter

The Intercept

mobile/signal 718-877-5236

@fastlerner

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On Mar 31, 2020, at 11:13 AM, Woods, Andrea <Woods.Andrea@epa.gov> wrote:

Hi Sharon,

Please see our full statement below, attributable to an EPA Spokesperson:

On Science transparency:

The Senator, whether it be by letter or press statement continues to make patently false and misleading claims about the proposed Strengthening Transparency in Regulatory Science rule. Transparency in science that enables independent validation of scientific conclusions is important to advancing the Agency's mission. In no way does the proposed rule or the supplemental notice suppress research or censor scientists. On the contrary, it acknowledges that all science is welcome at the Agency and provides a clear awareness to researchers and the general public that, if the proposed Science Transparency rule is finalized, the Agency will utilize procedures with the goal of making the science on which future significant regulatory decisions are based more transparent while still ensuring the protection of CBI and PII. The supplemental notice asks for public comment on all of these important considerations. The Senator's statements that the proposed rule, if finalized, would impede the Agency's ability to respond to emergencies using data and scientific information are entirely unfounded.

Furthermore, our most important environmental statutes provide EPA with authority to issue emergency orders or respond to address emergencies to protect human health and the environment, and this proposed rule would not limit or impede EPA's authority to undertake such responses. For example, on March 13 the Agency issued an expanded list of EPA-registered disinfectant products that have qualified for use against SARS-CoV-2, the virus that causes COVID-19. This new list contains nearly 200 additional products-including 40 new products that went through the agency's expedited review process.

On enforcement:

EPA's enforcement authority and responsibility remains active. We will continue to work with federal, state and tribal partners to ensure that facilities are meeting regulatory requirements, while taking appropriate steps to protect the health of our staff and the public.

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

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From: Sharon Lerner <sharon.lerner@theintercept.com>

Sent: Tuesday, March 31, 2020 10:57 AM

To: Press <Press@epa.gov>

Subject: Strengthening transparency

Hi Press office -

I am writing about both the strengthening transparency rule and the recent decision announced by Susan Bodine last week to restrict enforcement.

One person I interviewed said, of both, that: "They're taking political advantage of a crisis when they know it's more difficult to respond" He was referring to EPA

Re the transparency rule, I note that, despite requests to extend the 30-day comment period for the latest version of the rule, you have declined to do so. I also note that the Union of Concerned Scientists requested that you conduct a virtual hearing on the rule but that you have declined to do that, either.

I also note that several people, including Sen. Carper, have noted that the new rule would restrict the use of "studies that could be usefully relied upon during a pandemic or other crisis"

Re the enforcement, I note that several people have pointed out that the decision to suspend many of the normal requirements for pollution control may put fence line communities at particular risk from Covid-19

Please let me know if you have any comment on any of the above by noon today. Thank you

Sharon Lerner
Investigative Reporter
The Intercept
mobile/signal 718-877-5236
@fastlerner
<https://theintercept.com/staff/sharon-lerner/>
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Message

From: Woods, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=556F31DBF41F4F95A5BF1B816C447327-WOODS, ANDR]
Sent: 3/30/2020 4:38:24 PM
To: Bodine, Susan [bodine.susan@epa.gov]
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

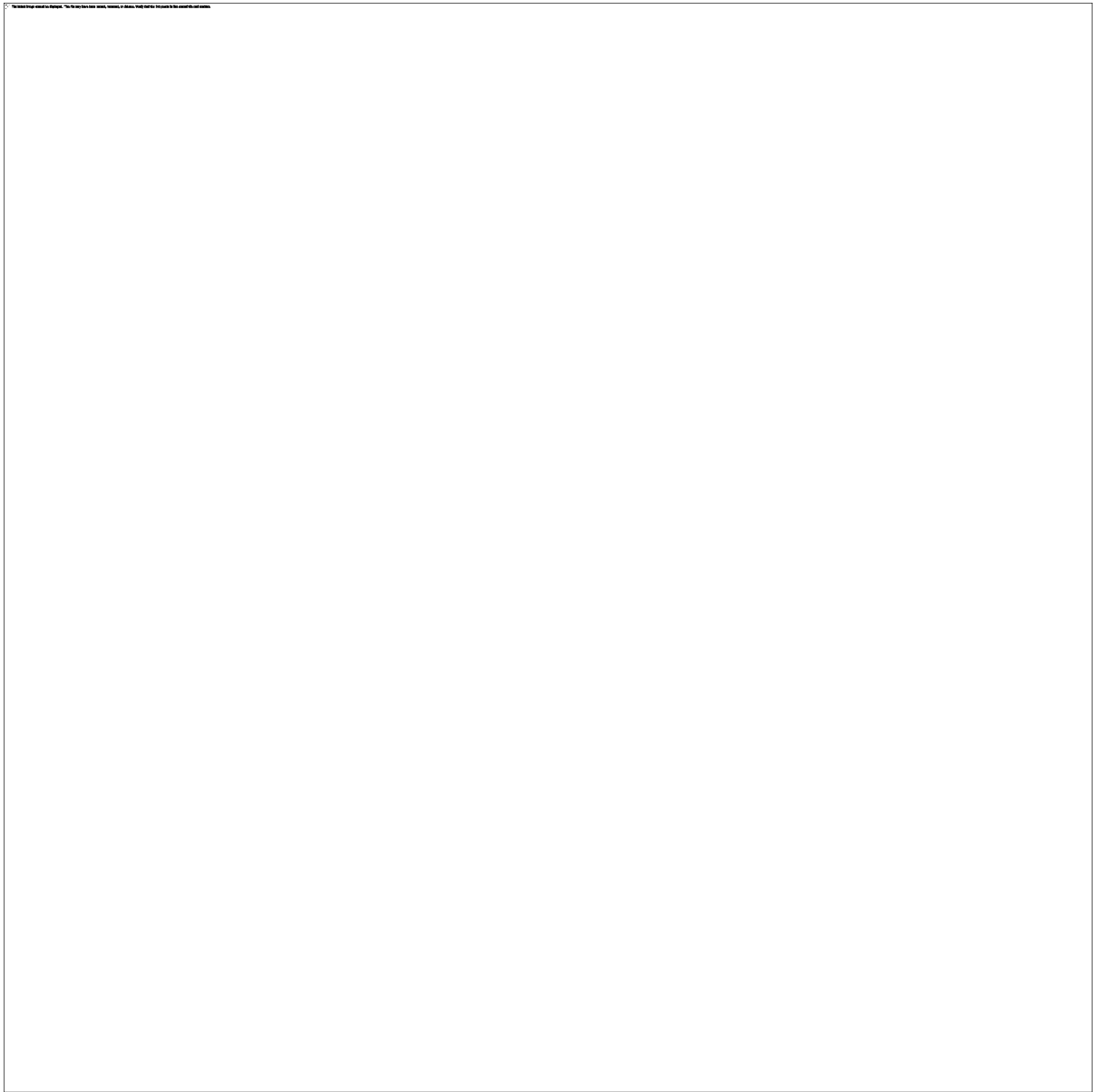
Thanks! Just caught that as well. Doing one more close read before it goes out.

From: Bodine, Susan <bodine.susan@epa.gov>
Sent: Monday, March 30, 2020 12:37 PM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Repeated word

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Monday, March 30, 2020 12:35 PM
To: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>; Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Cc: Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Updated test is below. Will send out at 12:45, pending any last minute edits:



EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Visit The EPA's Newsroom

From: Gunasekara, Mandy <gunasekara.Mandy@epa.gov>
Sent: Monday, March 30, 2020 12:26 PM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Cc: Bodine, Susan <bodine.susan@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>

Subject: Re: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Good to go

Sent from my iPhone

On Mar 30, 2020, at 12:24 PM, Schiermeyer, Corry <schiermeyer.corry@epa.gov> wrote:

Once Andrea cleans this up, is everyone good with us hitting send?

Thank you

From: Bodine, Susan <bodine.susan@epa.gov>

Sent: Monday, March 30, 2020 11:11 AM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Woods, Andrea <Woods.Andrea@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Ex. 5 Deliberative Process (DP)

From: Schiermeyer, Corry <schiermeyer.corry@epa.gov>

Sent: Monday, March 30, 2020 9:31 AM

To: Woods, Andrea <Woods.Andrea@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Couple edits in red

Thank you!

From: Woods, Andrea <Woods.Andrea@epa.gov>

Sent: Monday, March 30, 2020 9:28 AM

To: Schiermeyer, Corry <schiermeyer.corry@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Egan, Patrick <egan.patrick@epa.gov>; Hull, George <Hull.George@epa.gov>; Gunasekara, Mandy <gunasekara.Mandy@epa.gov>

Subject: FW: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

Draft release is below. This tracks closely with Susan's statement – just minor tweaks made. Please send any edits.

Mandy/Corry, do we need to run this by the Administrator as well?

From: EPA Press Office <press@epa.gov>

Sent: Monday, March 30, 2020 9:25 AM

To: Woods, Andrea <Woods.Andrea@epa.gov>

Subject: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance - Preview

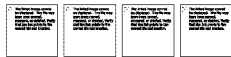
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EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

<image001.png>



U.S. Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

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Message

From: Woods, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=556F31DBF41F4F95A5BF1B816C447327-WOODS, ANDR]
Sent: 3/30/2020 9:10:47 PM
To: Hull, George [Hull.George@epa.gov]
Subject: FW: Story on EPA's compliance policy

FYI! Thanks for flagging.

From: Dawn Reeves <dreeves@iwpnews.com>
Sent: Monday, March 30, 2020 5:08 PM
To: Woods, Andrea <Woods.Andrea@epa.gov>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: RE: Story on EPA's compliance policy

Yes I have it and worked it in – it's running tomorrow.
Thanks for reaching out.
Dawn

From: Woods, Andrea <Woods.Andrea@epa.gov>
Sent: Monday, March 30, 2020 4:39 PM
To: Dawn Reeves <dreeves@iwpnews.com>
Cc: Schiermeyer, Corry <schiermeyer.corry@epa.gov>
Subject: Story on EPA's compliance policy

Hi Dawn,

I heard through the grapevine that you may be working on a story on EPA's compliance guidance. Wanted to make sure you saw our release that we sent on this today – it might be helpful for the story:

<https://www.epa.gov/newsreleases/epa-corrects-record-after-reckless-reporting-temporary-compliance-guidance>

Please feel free to reach out to press@epa.gov if you need additional comment from EPA.

Thanks!
Andrea

Andrea Woods
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2010

Message

From: Woods, Andrea [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=556F31DBF41F4F95A5BF1B816C447327-WOODS, ANDR]
Sent: 3/30/2020 8:59:41 PM
To: Swaim, Chance [cswaim@wichitaeagle.com]; Washburn, Ben [washburn.ben@epa.gov]; Press [Press@epa.gov]
Subject: RE: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Hi Chance,

Please see the highlighted sentence in the release below.

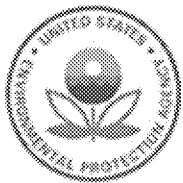
Best,
Andrea

From: Swaim, Chance <cswaim@wichitaeagle.com>
Sent: Monday, March 30, 2020 4:43 PM
To: Washburn, Ben <washburn.ben@epa.gov>; Press <Press@epa.gov>
Subject: Re: EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Hello,

I guess I missed the part where you pointed out what specifically the AP, The Hill, or the New York Times got wrong about the temporary policy or what you're calling propaganda. Do you mind filling me in?

On Mon, Mar 30, 2020 at 3:25 PM 'Ben Washburn' via WIC News CI <wenews@wichitaeagle.com> wrote:



U.S. ENVIRONMENTAL PROTECTION AGENCY
NEWS RELEASE
WWW.EPA.GOV/NEWSROOM



CONTACT: press@epa.gov

EPA Corrects the Record after Reckless Reporting on Temporary Compliance Guidance

Contact Information: press@epa.gov

Environmental News

FOR IMMEDIATE RELEASE

WASHINGTON (March 30, 2020) — The mission of the U.S. Environmental Protection Agency (EPA) is to protect human health and the environment, and during this time of unprecedented public health concerns, that mission is even more critical. On March 26, EPA released a temporary policy regarding the agency's enforcement of environmental legal obligations during the COVID-19 pandemic. This temporary policy is not a license to pollute.

We strongly encourage the press to actually read EPA's Temporary Policy before repeating reckless propaganda about it. Instead of including factual information about the policy, outlets such as E&E News, The Hill, the AP, and the New York Times are relying on sources who falsely claim that the policy provides a blanket waiver of environmental requirements or creates a presumption that the pandemic is the cause of noncompliance.

Here are some of the facts that have been conveniently left out of the press narrative:

The policy says that EPA will not seek penalties for noncompliance with **routine monitoring and reporting** requirements, **if**, on a case-by-case basis, EPA agrees that such noncompliance was caused by the COVID-19 pandemic. Regulated parties must document the basis for any claim that the pandemic prevented them from conducting that routine monitoring and reporting and present it to EPA upon request. This action was necessary to avoid tying up EPA staff time with questions about routine monitoring and reporting requirements and instead allow EPA to focus on continued protection of human health and the environment.

The policy does **not** say that the COVID-19 pandemic will excuse **exceedances of pollutant limitations in permits, regulations, and statutes**. EPA expects regulated entities to comply with all obligations and if they do not, the policy says that EPA will consider the pandemic, on a case-by-case basis, when determining an appropriate response. Further, in cases that may involve acute risks or imminent threats, or failure of pollution control or other equipment that may result in exceedances, EPA's willingness to provide even that consideration is conditioned on the facility contacting the appropriate EPA region, or authorized state or tribe, to allow regulators to work with that facility to mitigate or eliminate such risks or threats.

EPA has been inundated with questions from both state regulators and the regulated community about how to handle the current extraordinary situation where contractors are not available because they cannot travel, state and local governments are imposing stay at home orders, and the number of people who have contracted COVID-19 and are in quarantine is rising. EPA developed the Temporary Policy to allow EPA to prioritize its resources to respond to acute risks and imminent threats, rather than making up front case-by-case determinations regarding routine monitoring and reporting. The development of the policy was a group effort, involving multiple calls and with and drafts shared among EPA staff and managers, both career and political, at both headquarters and in the regions.

It is important to note EPA expects regulated facilities to comply with regulatory requirements, where reasonably practicable, and to return to compliance as quickly as possible, once the COVID-19 threat is over. Additionally, the policy makes clear that EPA expects operators of public water systems to continue normal operations and maintenance during this time, as well as required sampling, to ensure the safety of vital drinking water supplies.

The measures in this policy are temporary and will be lifted as soon as normal operations can resume, which may occur sooner in some locations than others. We take our environmental mandate to protect human health and the environment very seriously and will continue to carry it out during this time.

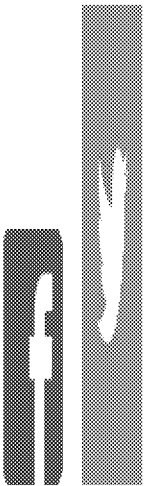
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For EPA's coronavirus website, visit: <https://www.epa.gov/coronavirus>

Learn more about EPA Region 7: <https://www.epa.gov/aboutepa/epa-region-7-midwest>

Connect with EPA Region 7 on Facebook: www.facebook.com/eparegion7

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If you would rather not receive future communications from Environmental Protection Agency, let us know by clicking [here](#).
Environmental Protection Agency, 11201 Renner Blvd., Lenexa, KS 66219 United States

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Chance Swaim
Reporter
The Wichita Eagle
316-269-6752